

Report on the

BOARD OF COSMETOLOGY

Montgomery, Alabama



Department of Examiners of Public Accounts

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July 17, 2002

Representative Tom Hogan
Chairman, Sunset Committee
Alabama State House
Montgomery, AL 36130

Dear Representative Hogan,

This report was prepared to provide information for use by the Sunset Committee in conducting its review and evaluation of the operations of the **Board of Cosmetology** in accordance with the *Code of Alabama 1975*, Section 41-20-9.

The report contains unaudited information obtained from the management, staff, and records of the **Board of Cosmetology**, in addition to information obtained from other sources.

Please contact me if you have any questions concerning this report.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald L. Jones", written in a cursive style.

Ronald L. Jones
Chief Examiner

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PROFILE

Purpose/Authority

The Board of Cosmetology was first created by Act 653, *Acts of Alabama 1957*. The purpose of the board is to regulate the teaching and practice of cosmetology and to require the registration and licensing of cosmetologists, manicurists, estheticians, apprentices, students, and schools for cosmetologists, manicurists, and estheticians. The *Code of Alabama 1975*, Sections 34-7A-1 through 34-7A-25 provides the current statutory authority for the board.

Board Characteristics:

Members	7
Term	No more than two 4-year terms
Selection	Appointed by the Governor with the advice and consent of the Senate.
Qualifications	Five members must be active licensed master cosmetologists or instructor cosmetologists with at least five years practical experience in the majority of the practices of cosmetology. Two of the members may be consumers.
Racial Representation	No statutory requirement. Three (3) minority members.
Geographical Representation	One member from each congressional district.
Consumer Representation	According to the board's statutes, two members may be consumers; however, all members are licensees of the board.
Other Representation	The membership of the board shall be inclusive and reflect the racial, gender, geographical, urban/rural, and economical diversity of the state.

Compensation \$100.00 per day for transacting board business, not to exceed 50 days during any calendar year. Board members receive travel expense reimbursement at the same rate as state employees.

Operations:

Administrator David Starnes, Executive Director
Appointed by the Governor, annual salary \$51,000.00.

Location 100 North Union Street, Suite 320
Montgomery, AL 36130

Type of License Personal licenses, business licenses and schools.
Licenses issued as of March 1, 2002

Personal Licenses	23,327
Shops/ Studios/Salons	6,441
Schools	<u>26</u>
Total Licensees	<u>29,794</u>

Renewal Personal licenses are renewed every two years on the first day of the licensee's birth month.

Business licenses are renewed on the 1st of September in odd-numbered years.

Examinations The board administers both a practical examination and the national examination for the National-Interstate Council of Cosmetology, Inc. A professional testing service (SMT) grades the national examination.

Continuing Education Instructors- 16 hours every two years.

Reciprocity The board may grant the appropriate license, without examination, to any applicant who pays the required fees and is currently licensed in good standing in another state, territory, District of Columbia, or foreign country, if the requirements for licensure are substantially the similar to the requirements of Alabama and they must have practiced the applicable profession for at least five years immediately preceding application.

Employees 14

Legal Counsel	Attorney General's Office
Subpoena Power	No
Internet Presence	www.aboc.state.al.us . The boards' web site contains: <ul style="list-style-type: none"> • Statutory authority • Administrative rules • Application forms • A listing of all current board members • A schedule of examinations for the current year • A schedule of approved continuing education courses.
<u>Financial:</u>	
Source of Funds	Licensing fees
State Treasury	Yes
Unused Funds	Retains unexpended funds.

SIGNIFICANT ITEMS

1. **Addresses are not updated in the board's computer database.** Consequently, some applicants that met all of the qualifications for licensure and paid the correct fee did not receive licenses because the licenses were mailed to the wrong addresses.
2. **Licenses are not being renewed in a timely manner.** According to responses received from licensees and according to deposit records, it takes the board several months to process applications. In a sample of deposits, we found instances where amounts received were deposited from two weeks to four months after being received by the board. Fees are not deposited until all paperwork is accomplished, at which time licenses are issued. The delay appears to occur due to lack of staff.
3. **The board notified applicants in writing that they had failed the board's national certification examination, when in fact the applicants had actually passed the exams.** The errors were corrected after the applicants called the board to inquire about the test results. According to the executive director, 22 of these notices were sent.
4. **There is not an adequate separation of staff duties for licensing procedures.** One employee processes examination applications; schedules the examinations; administers the examinations; collects exam booklets and mails the examinations to the testing center; inputs the test scores in the computer; mails the test scores to applicants; and issues licenses. This condition unnecessarily increases the risk of improper licensing without discovery by others in the normal course of work. For example, an applicant failed her examination twice and was required by the board to have an additional 600 hours of training before taking the examination a third time. The applicant was rescheduled and tested after only completing 384 additional hours of training. The applicant passed the exam and was issued a license.
5. **The board has not resolved any complaints.** Board Rule 250-X-1.01.01 establishes criteria for investigating complaints relating to the licensee's. According to the rule, all complaints received by the board concerning any person licensed by the Board of Cosmetology relating to the licensees' business or professional practices shall be investigated. The board has not established a complaint process to handle complaints. There is no documentation in the board's complaint files to document if the complaints were investigated or resolved. The board had ninety-two complaints on file from October 1, 1999 through March 1, 2002. Forty-eight of the complaints were anonymous or had no return address. We mailed questionnaires to 44 complainants of which nineteen responded. Fifteen responded that the board did not acknowledge the receipt of their complaint. All nineteen responded that they were not satisfied with the

board's efforts to resolve their complaints. One complainant responded that he finally mailed his complaint to the Governor's Office.

6. **There is no effective regulation by the board.** The *Code of Alabama 1975*, Section 34-7A-15 gives the board the authority to revoke, suspend a license or a certificate of registration upon proof of violation of the board's statutes. The board has not held hearings, revoked licenses, or fined licensees for violating the board's statutes. Complaints against licensees from individuals as well as discrepancies noted by inspectors are not acted upon. We found that several hundred inspection reports had not been entered into the board's computer system, nor filed in facility folders. According to the board's staff, the board members do not review inspection reports, but occasionally the executive director reviews them.

Board Rule 250-X-3-.02 establishes the criteria for inspection of all salons under the jurisdiction of the board. The board has determined that an inspection score of 80 is passing. Salons receiving scores of less than 80 have 30 days to correct the discrepancies. If the discrepancies are not corrected within 30 days on the second inspection, the board is supposed to hold an administrative hearing for the salon. The board has not required licensees to attend an administrative hearing or closed an establishment for unsanitary conditions. Cosmetology and manicuring salons having inspections showing unsanitary conditions are allowed to remain open. We found 27 inspection reports out of a sample of 200 with scores ranging from 78 to 28. Several salons were in violation of the board rules. The board has not established any methods for notifying salon owners or for holding administrative hearings.

7. **The staff is not maintaining complete and accurate records of licensees.** We observed that records dating back to 1997 had not been filed in licensees' folders. File folders had not been made for new licensees. Paperwork for applicants was maintained in several piles throughout the board's offices and in the board's storage area located in the basement of the building. Licensees applying for reciprocity to other states in some cases could not be properly certified because the licensee's paperwork could not be located.

We observed that license renewal applications, apprentice work records, applications for new licenses, and approximately 1800 inspection reports had not been filed in the folders of licensees for several years. As a result of incomplete records maintained in the licensee folders, there is a greater chance for issuance of licenses to applicants that do not meet qualifications.

8. **There are two different sets of administrative rules on file with the Administrative Procedure Division of the Legislative Reference Service.** The board adopted and held hearings for new rules and regulations in 2000 to replace rules that were promulgated as early as 1982. The board failed to certify the rules

within the time period prescribed by the Alabama Administrative Procedure Act. Upon realizing that the rules had not been certified, the board held new hearings in 2001. The new rules were finally certified in April 2001 and were published and distributed to licensees. However, the board failed to repeal the previous rules. The old rules remain on file with the Legislative Reference Service and are still in effect. Some of the old rules appear to be in direct conflict with the new rules.

9. **Through our observations and interviews with staff, we determined that the board's office staff is insufficient. According to the board's executive director, the agency needs approximately five additional employees to perform administrative functions.** As of April 2002 the board had a total of 14 employees on staff. Six of these are inspectors and do not perform administrative duties in the board's office. With the volume of licensees, new shops, renewals, and other related tasks, the remaining eight employees are not able to cross-train to other administrative functions, and no time is available to perform quality control work for errors. Licenses are not being renewed in a timely manner, filing remains undone, and fees generated from licensing remain in the board's office for several months before they are deposited in the State Treasury. We found administrative errors that could have been prevented with additional staff to review certifications during the initial licensing process and during the renewal process. According to responses received from licensees, the licensees have difficulty getting an employee on the phone. Phone calls are not returned promptly or not returned at all. A board member responding to our questionnaire stated that it was difficult to contact a person on the phone. Upon attempting to contact the board's offices, we encountered the same problem.
10. **There are insufficient school/shop inspectors to satisfactorily inspect all licensed facilities on a sufficiently frequent basis.** According to the responses received from licensees, the most significant issue currently facing the practice of cosmetology and manicuring in Alabama is a lack of inspectors to properly inspect salons for sanitation and to verify that people working in salons are properly licensed. Seven inspectors were hired in October 2001 (two have resigned). The board currently has six inspectors on staff. Since June 1999, statutes have authorized the employment of a minimum of eight inspectors. License fees were increased to cover the costs of hiring additional staff. According to staff, inspectors are conducting approximately 30 inspections per week. With approximately 6,467 licensed facilities to inspect, this volume of inspections would generate inspection of each licensed facility approximately every six months under ideal conditions with a full staff of inspectors, a condition that does not exist.
11. **Without authority, the staff is charging a \$25.00 fee for a change of address/location of salon, booth rental or cosmetic studio within the same county.** The *Code of Alabama 1975*, Section 34-7A-11 authorizes the board to set licensing fees. Board Rule 250-X-9 prescribes the fees established by the

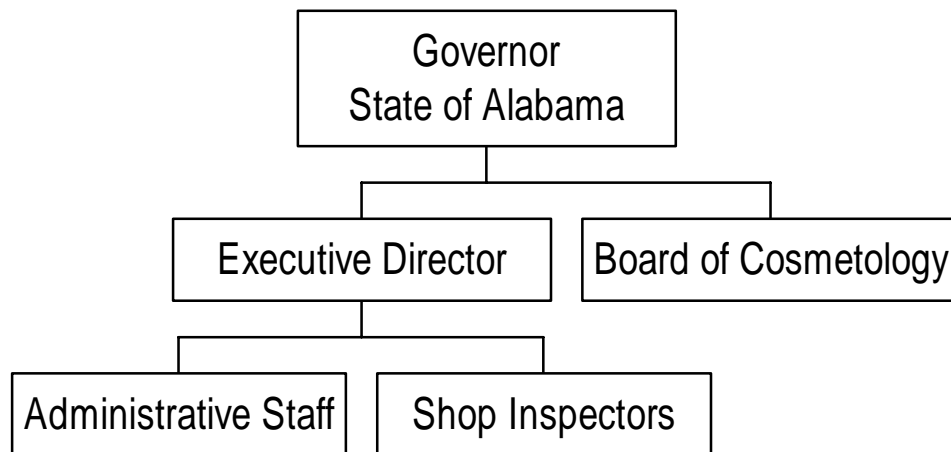
board August 23, 1999 and amended December 18, 2000. The rule does not provide for the \$25.00 fee.

STATUS OF PRIOR FINDINGS

All findings from our most recent prior routine examination of the board have been resolved except the following:

Fees received were not deposited in a timely manner, a condition that creates unnecessary risk of loss or misuse of state funds. Receipts were held from three to four weeks before being deposited into the State Treasury. Receipts received during the month of September 1999 were not deposited until fiscal year 2000. A current examination of five (5) receipt deposits made during the fiscal year 2001-02 reveals that some amounts are being deposited five (5) weeks to four (4) months after they are received. The oldest receipt record found was dated November 28, 2001 and deposited on March 14, 2002.

ORGANIZATION



PERSONNEL

The board presently employs fourteen (14) persons, consisting of one executive director, one contract employee, and thirteen classified merit system employees. The executive director is appointed by the Governor. The Attorney General's Office provides legal services for the board.

Schedule of Employees

<u>Classification</u>	<u>Number of Employees</u>	<u>Race</u>	<u>Gender</u>
Executive Director	1	White	Male
Board Consultant (contract)	1	White	Male
Administrative Support Asst III	1	White	Female
Administrative Support Asst II	1	White	Female
Administrative Support Asst I	1	Black	Female
Administrative Support Asst I	1	Black	Female
Account Clerk	1	Black	Female
Clerk	1	White	Female

Inspector	1	White	Female
Inspector	1	White	Female
Inspector	1	White	Female
Inspector	1	White	Female
Inspector	1	White	Female
Inspector	1	Black	Female
Inspector	Vacant		
Inspector	Vacant		
Total	14		

PERFORMANCE CHARACTERISTICS

Number of Licensees per Employee – 2128

Total Expenditure per Licensee (2000-2001 fiscal Year) - \$ 22.40

Number of Persons per Licensee in Alabama and Surrounding States

	<u>Population (Estimate)</u>	<u>Number of Licensees</u>	<u>Persons Per Licensee</u>
Alabama	4,464,356	29,794	150
Florida	16,396,515	134,007	122
Georgia	8,383,915	130,717	64
Mississippi	2,858,029	20,462	140
Tennessee	5,740,021	29,134	197

Notification to Licensees of Board decisions to Amend Administrative Rules

The board complied with procedures prescribed in the Administrative Procedure Act, which includes publication of proposed rules in the Administrative Monthly, and public hearings on proposed rules. Licensees are being notified of proposed changes through local meetings attended by the executive director, board consultant and board members. The board also posts a draft of proposed rules on its website.

Complaint Resolution

Board Rule 250-X-1-.01.01 provides the procedures for documentation, receipt, and investigation of complaints relating to board licensee's and illegal practices. Ninety-two complaints were on file for the period January 1999 through March 2002. Most complaints identify shops or persons working in shops that are not licensed. Some complaints deal with shoddy workmanship and unclean shops. During the past three years the board responded to three complaints.

Complaint Process

Initial Documentation	Complaints can be faxed or mailed or called in to the board's office. No specific form is required or provided. According to Board Rule 250-X-1-.01.01, "The Board shall make available to the public a complaint form which may be used by any person filing a complaint against any licensee."
Anonymous Complaints	The board accepts all complaints. Approximately half of the complaints received are either anonymous or do not provide a return address. Most complaints appear to report unlicensed cosmetologists, unlicensed salons, someone who didn't fix a client's hair the way the client desired, reported a problem with a manicure, or the salon and tools used were not sterilized.

FINANCIAL INFORMATION

Schedule of Fees

The *Code of Alabama 1975*, Section 34-7A-11 authorizes the board to set the fees. The following fees have been set.

<u>Fee</u>	<u>Administrative Rule</u>	<u>Amount</u>
Original License Fee	250-X-9	\$15.00
Examination Fee	250-X-9	65.00
Personal Renewal and Activation Fee	250-X-9	80.00
Inactive Renewal Fee	250-X-9	35.00
Business Original Fee	250-X-9	150.00
Business Relocation to a Different County Fee	250-X-9	150.00
Business Renewal Fee	250-X-9	100.00
School Original Fee	250-X-9	300.00
School Renewal Fee	250-X-9	150.00
Reciprocity Fee	250-X-9	100.00
Shampoo Assistant Original Fee	250-X-9	40.00
Shampoo Assistant Renewal Fee	250-X-9	40.00
Late Fee	250-X-9	25.00
Business Relocation Same County During Renewal	No Rule	No Charge
Business Relocation During License Period	No Authority	25.00
Printed Mail Labels	*Cost Recovery	200.00
Listing of Licensee Address for Complete State	*Cost Recovery	100.00

Listing of Licensee Address by County	*Cost Recovery	25.00
Diskette of all Licensee Addresses	*Cost Recovery	70.00
Listing of Licensee Address sent by E-Mail	*Cost Recovery	60.00
* Fees appear to be high because all listing are prepared by Department of Finance (ISD).		

Schedule of Cash Receipts, Disbursements, and Balances

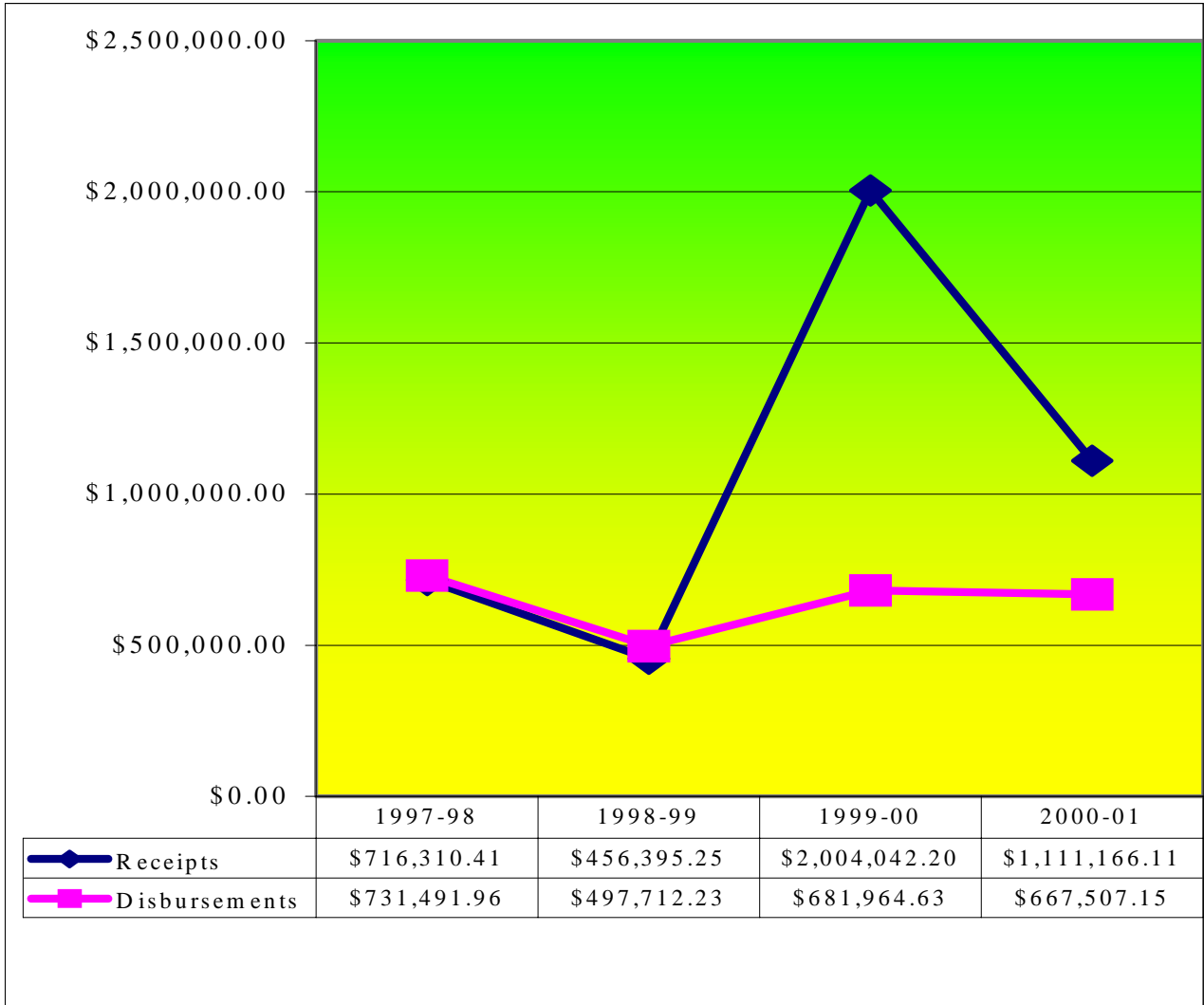
October 1, 1997 through September 30, 2001

	<u>2000-01</u>	<u>1999-00</u>	<u>1998-99</u>	<u>1997-98</u>
<u>Receipts</u>				
Certification and Examination Fees	\$1,109,501.11	\$1,999,212.20	\$349,882.00	\$701,888.55
License Registration Lists	1,665.00	4,830.00	5,700.00	1,625.00
Investment Income				4,868.80
Sale of Recycleable Materials			26.25	
Transfer From Departmental Emergency Fund			77,250.00	
Transfer From the Governor's Contingency Fund			22,750.00	
Salvage Equipment			787.00	7,928.06
Total	<u>1,111,166.11</u>	<u>2,004,042.20</u>	<u>456,395.25</u>	<u>716,310.41</u>
<u>Disbursements</u>				
Personnel Costs	249,635.59	172,811.71	167,252.85	303,615.99
Employee Benefits	96,366.31	73,366.96	44,212.55	74,339.55
Travel-In-State	73,608.21	71,065.44	36,503.80	98,118.34
Travel- Out-of-State	1,951.37	4,120.41		1,895.19
Repairs and Maintenance	235.00	235.00	1,441.55	2,252.93
Rentals and Leases	72,930.31	69,117.62	53,381.14	58,310.74
Utilities and Communications	35,458.05	26,609.01	32,395.64	42,602.85
Professional Services	104,987.66	236,293.84	47,770.23	65,432.72
Supplies, Materials & Operating Expenses	22,808.92	22,650.50	8,570.47	38,042.44
Grants and Benefits			6,184.00	4,103.25
Transportation Equipment Operations	856.75	169.46		
Other Equipment Purchases	8,668.98	5,524.68		42,777.96
Transfer to Departmental Emergency Fund			77,250.00	
Transfer to Governor's Contingency Fund			22,750.00	
Total	<u>667,507.15</u>	<u>681,964.63</u>	<u>497,712.23</u>	<u>731,491.96</u>
Excess (Defficiency) of Receipts Over Disbursements	443,658.96	1,322,077.57	(41,316.98)	(15,181.55)
Cash Balance at Beginning of Year	1,389,922.47	67,844.90	28,603.28	43,784.83
Matured Investment			80,558.60	
Cash Balance at End of Year	1,833,581.43	1,389,922.47	67,844.90	28,603.28
Reserved for Year-end Obligations	(80,568.97)	(27,054.60)	(38,366.72)	(24,464.84)
Unobligated Cash Balance	<u>\$1,753,012.46</u>	<u>\$1,362,867.87</u>	<u>\$29,478.18</u>	<u>\$4,138.44</u>

(1)

(1) An additional \$80,000.00 was invested in U.S. Treasury Notes at 9/30/98.

Operating Receipts Vs Operating Disbursements (Chart)



QUESTIONNAIRES

Board Member Questionnaire

Questionnaires were mailed to all seven board members. Two responded.

Question #1

Would the absence of the board be detrimental to the public welfare?

Yes 2 No

“The board is a regulating body that assures the public that the salon and the cosmetologists have been examined and certified by the board and are knowledgeable and qualified in the proper application and use of chemicals and that all sanitary procedures are used to assure safety of the clients.”

Question #2

What changes in Alabama laws regulating cosmetology/manicuring would you recommend?

“Deleting the stipulation that to receive reciprocity you must have practice cosmetology for five years in a previous state. That is way too long. One year should be sufficient.”

“For the safety of the public, the board needs to have greater authority to pursue unlicensed salons and operators who are out of compliance with board rules, up to closing them until they meet the criteria as established by the board. This is the only way that the board can exercise control within its area of responsibility to the public. Presently, the board can only send letters of incompliance and have an inspector check and report continued out of compliance status. There are no further means or authority available for the board to compel compliance at this time.”

Question #3

What is the most significant issue currently facing the board?

“The Executive Director needs to go to work more days a week. There seems to be so much dissatisfaction in the office due to the fact that no one is left in control and the office is left to run by itself. This year since January, we have already lost three (3) office personnel. The Executive Director should have pulled the register as soon as a notice was given so as to hire someone to take their place. This way, the outgoing employee could have had time to train the new employee. But, by him not being there, this wasn’t taken care in a reasonable time frame. My suggestion would be for the Governor to give a *job description* so he would have to work a certain number of hours a

week like other employees. There have also been numerous complaints from the inspectors. We desperately need inspectors because of the shops not having licensed persons working in them and not practicing safety and inspection control. The last inspector from Birmingham wrote the board a 10 page letter of complaint about the lack of the office personnel to be able to handle their inspections and send them back if the grade was low to be reviewed within 30 days. She said the inspections had not been made as of the time she quit and she had been working four (4) months. She said this made the inspectors a *laughing stock* out in the field. The Executive Director is so nice, and I feel with proper direction can turn the office around, but would have to be there in the office in order for this to happen.”

“The lack of authority to pursue out of compliance salons or operators beyond sending violation notices and issuing citations of non-compliance. The violators can presently ignore these notices if they are unwilling to meet the board’s regulations voluntarily. This limits all board actions to voluntary compliance and undermines the authority of the board to sanction violators.”

Question #4

What is the board doing to settle this issue?

“We had the previous director talk to him. We wanted to do it, but the previous director said he could handle it amicably for us. The Executive Director has decided to hire an assistant instead. Does this mean he will work even less now?”

“As a board, we are united in working with the Attorney Generals Office to provide guidance and/or legal penalties for continued violators of board rules and regulations. This procedure has to be available for the board to assure the public’s safety and welfare guidelines are being followed.”

Question #5

Is the board adequately funded? If not, what action should be taken to remedy the situation?

Yes 2 No

Question #6

What is the purpose of your fiscal year end fund balance?

To hire more office personnel and more inspectors. Also, send out newsletters to the licensees in the state to keep them informed about the board and the profession in general. Also, a real live person to answer the phone. It takes too long to contact the office now.”

Board Member Questionnaire

“Our funding comes from license fees that are issued biennially. The fund balance is used to provide funding for the next annual operations of the board.”

Personal Licensee Questionnaire

Questionnaires were mailed to one hundred fifty licensees. Thirty-seven responded.

Question #1

Is the regulation of cosmetology/manicuring by the board necessary to protect the public welfare?

Yes 36 No 1

“It is if it is worked the way it’s supposed to, but from what I can see it does not.”

Question #2

Do the laws, regulations, and policies regulating cosmetology/manicuring in Alabama constitute an unnecessary restriction on the profession?

Yes 5 No 32

Question #3

Are you adequately informed of changes to the rules and laws concerning the practice of cosmetology/manicuring in Alabama?

Yes 28 No 9

Question #4

Did the Board of Cosmetology perform the licensing renewal process in a timely manner? If not, how long did it take to receive your license?

Yes 33 No 4

1 month [4] 2 months [4] 3 months or longer [1]

“It took eight months to receive my apprentice permit, but my check and paperwork was sent in March.”

Question #5

Are you satisfied with your dealings with the Board of Cosmetology? If not, please explain.

Yes 31 No 6

“You never see anyone inspecting salons.”

“It takes too long before they respond back to my concerns, rather if it is by phone or letter.”

“Montgomery board always returns my calls, but I see no changes since I took my last class two years ago. Same problems.”

“The board has always responded to me in an appropriate, kind and courteous manner.”

“They are hard to contact. Inspectors are not at all friendly and they show no respect to hairdressers while they are at work. Licenses are also too high and ridiculous.”

“The standard rules of the Board of Cosmetology are not correct. Two nail technicians came from California. Both of them applied for the manicurist exam. They both had a manicurist license from California. One was approved to take the exam and the other one wasn't.”

“People working without a license.”

“Sterilization and sanitation of equipment and facilities.”

“I went to the state board in September and paid \$80 for my license. Then in May, due to the changes the board made, I had to pay another \$80 on my birthday. I think \$160 for a piece of paper that sits mostly unused in the back of my shop is a little ridiculous.”

“For the most part. I have called and asked questions a few times and have been talked to like I was stupid for not knowing anything. Not every time, but I guess it depends on who you talk to.”

Question #6

What do you think is the most significant issue currently facing the practice of cosmetology/manicuring in Alabama?

“The amount of people working as cosmetologists without a license at all. Some of these people are not even working as apprentices.”

“Not enough inspectors in salons.”

“Practicing without licenses, and being able to get a license without college courses.”

“Cosmetology fees.”

Personal Licensee Questionnaire

“People who are working without a license, and the lack of state board inspections in the salons. The state board laws are not being enforced.”

“More board inspectors for salons.”

“Sanitation knowledge and more inspections. Everyone must be licensed or have a permit.”

“Establishing a more effective state board exam. I feel the present exam is still outdated, and many aspects of the exam are not needed, and others are not hard enough, i.e. the haircut.”

“I believe cleanliness and proper training are severe issues facing cosmetology now. There are too many chop shops out there due to local trade schools and colleges teaching only the state board haircut so their students can pass the exam. There is much more to cosmetology than roller sets, pin curls (which should be off the exam) and the state board cut. Proper training in life-like situations is needed.”

“Health problems and conditions.”

“Not enough pop-in checks on licenses. Need more checkups and follow-ups on licensed manicuring.

“In my opinion, the Board has not been strict enough in the sterilization and sanitation enforcement.”

“After we have gone through school for about 2 months and taken the board examination, we forget to continue the rules and regulations that we learn in our studies of cosmetology.”

“Sanitation. I have been out of beauty school for almost two years. I have not seen one shop that practices the correct sanitation methods.”

“I am concerned about people practicing without a license. This has been going on at so many salons.”

“Maybe not getting around to inspecting salons on a yearly basis. Some salons are getting away with a little more than they should.”

“The safety and well-being of others and ourselves when we are in contact with clients. We should practice everything that has been taught to us.”

“The price of a license and booth rental.”

Question #7

How has the board addressed the issue?

“I have not seen any change.”

“The board needs to hire more inspectors.”

“I’m assuming the board is doing all they can.”

“They haven’t addressed the issue of fees.”

“They have not been addressing the enforcement issue at all. I have seen no change in the last five years to regulate these laws.”

“By presenting the request to the Governor.”

“I feel the board is aware of these problems, but maybe the workers are understaffed and underpaid.”

“I’ve heard there is a new exam, but not much has changed.”

“I haven’t seen any change, and since pin curls are a thing of the **20’s**, it seems that nothing has or will change. I believe the state board needs an update and new blood.”

“The board does not check up on or follow up to see if licensees are updated.”

“By checking the salons and making sure everyone working has a license.”

“By hiring more inspectors to come out to the salons, and make sure we are staying on top of it.”

“I seemed to have gotten a letter a long time ago saying something about more board people that would go around and check things like this. I have yet to see an inspector.”

“The board can set a time limit for the manicurists who practice at the salons and they have to make an attempt to obtain a license within this time limit.”

“The new manual book talks more about the safety and sanitation in the salons.”

Question #8

Please feel free to discuss any matters of concern to you not addressed by the questionnaire?

“I would like to know more about rules for barbers and barbershops.”

“If the laws of the state board are not enforced, it takes away the value of having a license at all.”

“I would be willing to help in any way I can. I also feel other cosmetologists feel like I do. The last state board class in Gulf Shores wasted time showing how to cut hair by cosmetologists who were very uninformed and outdated.”

“I don’t think the exam covers enough of what we as professionals do on a day to day basis. The color portion should be more about how color works then how to apply it. Maybe a test on how to foil. The haircut is not in depth enough to tell if the student is capable, or even if he/she deserves a license. I feel that there are quite a few of my counterparts who were issued a license and can’t cut hair. Frankly, I think the exam and even the schooling requirements are too easy, and the cosmetology profession is slowly being saturated with incompetent and unprofessional people who have not been trained properly. Eventually I fear that anyone who has a set of clippers will be able to obtain a license and help in continuing to degrade our profession.”

“There are too many illegal shops and workers not keeping up with rules and regulations. No protection for health problems. In the past year, I personally know four hairdressers who have died with lung disease or lung cancer. They are not strict enough on health exams for license renewals.”

“Checking barbershops that are doing perms and colors without being licensed.”

“The Alabama Board of Cosmetology needs continuing education classes.”

“I haven’t seen a board person in any of the two shops I’ve worked in, or heard of them making visits anywhere else. What do we need the education for if no one checks these things, or pay \$80.00 to \$160.00 dollars a year for a license.”

“The most significant issue currently facing the practice of manicuring is the misuse of electric files, and the use of Methyl Methacrylate (MMA). MMA is dental acrylic normally used for crowns and dentures among other common industrial uses. Many discount nail salons use MMA because it is inexpensive. The FDA has deemed it unsafe for use on soft tissue, such as nails. On page 23 of the Alabama Board of Cosmetology Statutes and Regulations 250-X-3-.05 #4 states: ***Licensees shall not use any product or supplies which have been banned from use by the United States Food and Drug Administration or other local, state, or federal governmental agency responsible for making such determinations. Licensees shall also not use any product deemed to be a poisonous or unsafe product with restricted use, which does not include use for acts of cosmetology, by the USFDA or other local, state, or federal governmental agency responsible for making such decisions.*** With this in mind, why is the use of MMA so widespread in the State of Alabama? I brought this up at the state board meeting in November 2001. They stated that they do not have enough inspectors for the state. I do not understand why, since our license fees went up 125% when this board came into existence. I understand now that they have hired more inspectors, but are there enough for the whole state? And furthermore, have the inspectors been trained to detect the telltale signs of MMA? My salon was recently inspected and I was not asked about my acrylic product, or about how I sanitize or what product I use. The other issue in the nail industry in Alabama is the misuse of the electric files. Also known as drills. No regulation for the use, or instruction currently exists. A special need exists in the apprentice sector of the industry. There needs to be a special permit

for all nail techs currently using electric files, with mandatory education. Further training, testing, and licensure should be in place for current and future nail techs. There should also be no *grandfather clause* for the electric file usage permit. Under current rules anyone can use any type of electric file on a client in Alabama (even those not for use on natural nails). This use causes severe damage to the soft tissue of the nail. Examples of this are rings of fire; extremely thin nails, and nails filed through to the nail bed. Pictures of this kind of damage can be seen in the images reference link at www.beautytech.info. When I brought this issue to the board, with pictures, one board member informed me that they couldn't mandate how a nail tech does someone's nails. I totally agree with this statement. I also pointed out that when a person goes to school for cosmetology, they are taught to use scissors, razors, and clippers to cut hair. But when a person goes to school for nails only, they are taught to use the electric file only. The apprentice learns from another person, who has had no formal training in the use of drills because it is not required. The board's response was, we would keep this in mind. I left this meeting feeling that my professional concerns were not taken seriously. After the board meeting, I picked up a copy of the rules and regulations. I have been told for years that it was "***at the printer***". The Executive Director told me that a copy would be mailed to the address on my personal license and to the address on the shop license. I have not received a copy at either address. How many other people are waiting for their copy? When I can get a person to talk to me or call me back at the state board, I usually get several different answers to one question. I am thankful that I do not have to call long distance. An additional concern is the makeup of the board itself. At this time the nail tech and esthetician components are not specifically represented on the board. This lack of professional knowledge and skill inhibits the appropriate level of addressing these specific needs. I would like to see the beauty industry in Alabama divided more fairly to include the licensing of hair, nails, and estheticians as separate entities. I do not feel that a cosmetologist can do nails as well as a nail tech, or beautify the skin as well an esthetician. I also feel that the latter two cannot do hair as well as a hairdresser, which is what cosmetologists do the most. As the rules stand now, a cosmetologist must go to school for 1700 hours. The majority of these hours are concentrated in the art of hair dressing. This same person can go out and do nails, or perform a facial without the same amount of hours that is required of a nail tech or esthetician, because their license says they can. These same cosmetologists are dictating the rules for the entire beauty industry in Alabama. I feel that the Alabama State Board of Cosmetology needs to be made up from all aspects of the beauty industry, not only one. They need to stay abreast of changes in the beauty industry as a whole. This level of proficiency could be achieved by regularly attending industry shows, classes, and through the technology of the internet".

"The license fee is much higher than other states."

"The Board of Cosmetology should be a little closer than in Montgomery. They should give the test in most of the surrounding cites."

"I do think we need to pay a fee, but the increase was so great. It was all at once. I think that was unfair."

Business Licensee Questionnaire

Questionnaires were mailed to one hundred fifty licensees. Sixty-four responded.

Question #1

Is the regulation of cosmetology/manicuring by the board necessary to protect the public welfare?

Yes 61 No 3

“Not if you allow barbers to do everything cosmetologists do.”

Question #2

Do the laws, regulations, and policies regulating cosmetology/manicuring in Alabama constitute an unnecessary restriction on the profession?

Yes 8 No 56

“It singles cosmetologists out and not people practicing without a license.”

Question #3

Are you adequately informed of changes to the rules and laws concerning the practice of cosmetology/manicuring in Alabama?

Yes 48 No 15

“I have been in the business for four years and never received any info from the board.”

Question #4

Did the Board of Cosmetology perform the licensing and renewal process in a timely manner? If not, how long did it take to receive your license?

Yes 46 No 18

1 month [3] 2 months [7] 3 months or longer [13]

“I mailed my paperwork and check number 1001 on September 1, 2001, in the amount of \$180.00 for my shop and personal license. Then the month of October went by, no license yet. I started calling trying to get information to see if licenses had been mailed out yet. The office personnel informed me that my paperwork and check number 1001 was on someone’s desk to be processed in the next batch of licenses to be mailed out yet. An employee informed me that my paperwork and the check were on someone’s desk to be processed in the next batch of licenses to

be mailed out. Then, November and December passed and no license yet. I have made about six long distance calls trying to get this situation straightened out. One employee first told me that I wasn't on the computer. I said, "then how did I get my license last year then?" According to the employee, there was no record of my renewal or my checks. I had to pay \$12.00 to stop payment on the first check and reissue two more checks. I think one check would be sufficient. After I stopped payment of check number 1001, I sent two checks and a copy of my renewal papers in. The employee told my license would be mailed in February 2001. Then in January 2002, I received my \$100.00 check back with a note asking me to pay \$50.00 penalty charges, which I should have not had to pay because my first check and paperwork got lost down there in the office. They also separated my renewal form from my TB test sheet. The renewal form came back with to me with the \$100.00 check with a note asking where my TB test sheet was. Then in the next two or three days, I received my \$80.00 check with the TB test sheet attached to it. I still am very upset about having to pay out \$50.00 for penalty fees when my first check was on time. I also had to pay a \$12.00 stop payment fee on my first check that was lost in your office. I was getting angrier with this, so I picked up the phone and called to talk with the Executive Director about all this mess that was going on. His secretary said he was on the phone and she took my name and phone number for him to return my call. I haven't heard from him yet. Again on January 2002, I talked with an employee. I told her I was sending copies of paperwork and two checks for licenses. I sent a registered letter and I finally received my personal license of February 22, 2002."

Question #5

Has the Board of Cosmetology inspected your place of business within the past two years?

Yes 43 No 21

"I've had one inspection for the first time in over five years."

"My shop has been open for over two years when they inspected it. I feel they should have inspected my shop before them (because it was new)."

Question #6

Are you satisfied with your dealings with the Board of Cosmetology? If not, please explain.

Yes 49 No 15

"There are so many shops with cosmetologists who are not licensed."

"Fees have increased and the Board of Cosmetology is less organized."

"They don't return phone calls."

Business Licensee Questionnaire

“I don’t know who or what the board is. I have called repeatedly with no response. Why have a board.”

“My issue is the barbers. They don’t have to have a Tuberculosis test or even know how to deal with the public. They don’t have to have a license or inspection of a shop or business.”

“I was misinformed on the proper form to be filled out on new shops and new owners three times.”

“I don’t think that some nail salons are safe and they don’t sterilize their tools like they are supposed to in order to help fight against aids.”

“I believe the board is finally getting their act together and that’s wonderful. I graduated from cosmetology school in 1997 and was faced with a dysfunctional board. I’m pleased to see that steps have been taken to greatly improve this.”

“I had a very rude, vengeful person inspect my shop in September 2001. She wrote me up for things I had never heard of before. She was not congenial at all. After she left my shop, I noticed that she had marked me up for some things that I had done and she didn’t bother to check or ask me about them. I have tried to call the board about this inspection and also about my check that hasn’t gone through the bank and all you get is a recording. I wonder what or who is managing the accounts and business down there when it seems like no one is at home when you try to call or get in touch with the board. Who is in charge and what are they doing with all our money!!”

“They are very slow to return or never return your phone calls. Office is understaffed, and they never follow through on messages left over the phone.”

“You can never get them on the phone. We have to drive to Montgomery to get things done.”

“Never can get a person to talk to, only voicemails. Calls are seldom returned.”

“I do not like the regulation on booth rentals having to have a managing license when business owners have a managing license.”

“If you call the Board of Cosmetology, usually there will be no answer.”

“Sanitation considering the fact that there are so many infectious diseases among the clientele today.”

“The most significant issue is sanitation and updated license.”

Question #7

What do you think is the most significant issue currently facing the practice of cosmetology/manicuring in Alabama?

“I feel we don’t need a board because all they do is issue licenses.”

“Unlicensed people in shops, and manicuring shops opening without licenses.”

“New fees are too high.”

“Transmission of diseases and prevention of diseases.”

“Lack of inspectors.”

“People who are not licensed performing cosmetology services.”

“Sanitation is the most significance issue.”

“I think the board needs to concentrate on those salons or individuals that are practicing without correct licenses or managers on staff. Those of us that abide by the rules feel punished for those that do not and do not get caught. The rules are set by the board for a good reason, to protect our public in addition to ourselves. When there are some individuals who do not obey the rules, and others see it go without punishment, what does that say about our industry, the professionals and the board? We would like to see this matter handled with a letter and more firm action. We operate our salons with our individual license, shop license and with a manager on staff, others do not. It would seem that since there has been a significant increase in the license fees, there would be more adequate information from the board. We understand that the staff has increased and the board needed a makeover. Our suggestion is to do things that help us the professionals. For example: helpful hints, ideas for new salons, and lists on what is necessary in the shop. Numerous times the schools do not provide students and new cosmetologists with this information.”

“I have been a cosmetologist since 1995. I was very surprised at how lax the inspection are and the amount of time it took to receive my license.

“We have no retirement and many of us have no insurance. We need a retirement system like teachers and state employees have.”

“People doing hair in their homes and not having a license.”

“Not having to be licensed.”

“More effort needs to be given to those who practice illegally after they allow their license to expire.”

“There is no sanitation in salons, and barbers are not licensed.”

“The degree of training on the school level prior to getting licensed. Very poor preparation for this profession.”

“The lack of state board inspectors. They have been trying for six years or more to hire more.”

“Requiring a master license to train apprentices. For years, a managers license was sufficient. It is all in the name of the board making more money.”

“I’ve heard the rumor that the board would be dissolved and anyone could be considered a cosmetologists and work in a salon without a license. Also, many current license holders non-active license status working out of their homes.”

“There are too many non-licensed people practicing and nothing being done about the matter.”

“Because of the rising epidemic of transmitted disease i.e., aids, HIV, hepatitis, and along with other strict laws governing the sanitation of trade instruments, utensils, and equipment must be enforced. Cosmetology should fall under the same guidelines as the health industry.”

“Dirty salons.”

“There is still and always will be too much at home practice of cosmetology by unlicensed people. You can also buy professional products anywhere!”

“The test is very outdated, particularly the practical exam. They test on things that are no longer done in salons.” The board needs new blood, more modern up to date members who know what the *real* salon world is about. For example, finger waves, skip waves, after 5 makeup. This should be replaced with highlighting techniques, eyebrow waxing, etc. More modern things that are done in an everyday salon operation.”

“Alabama should follow other states requiring cosmetologists to attend seminars to keep education in the field updated. This would eliminate those who do not cooperate with the rules and regulations.”

“Keeping only licensed people in the business.”

“Checking the businesses to make sure everything is being carried out as stated.”

“People practicing cosmetology under the name of barbering. This is unfair to all cosmetologists that are educated and licensed.”

Business Licensee Questionnaire

“In our salons, we follow all the rules and regulation from the Board for licensing and cleanliness. In the past there has been and might still be *barbershops* that do not have to have the same licensing and education as cosmetologists but yet they still do chemicals in their shops. I hope that this matter has been looked into and that they have to follow the same guidelines as us.”

“Licensing of everyone who works in salons. Everyone working in salons should be licensed as a professional.”

“Too many business owners hiring non-licensed persons. Lawsuits have doubled in this state due to this practice.”

“The way in which licenses are issued. It took the board three months to issue my license. My co-worker hasn’t had new licenses since the year 2000. I wrote a business check for my license in November of 2001. As of March 2002, my check has not cleared the bank. Also the cost a shop and cosmetology license is outrageous.”

“The leasing of work space in salons. Owners have no control over their businesses. Leasers have no regard to the laws and expense of running a legitimate business.”

“Good, strong education base for cosmetology graduates and continuing education.”

“Sanitation is addressed in the state board manual and through our inspections of the work place.”

“The schools are poor. I think continuing education is very important. Perhaps requiring hours toward continuing education for license renewal would help.”

“It should be mandatory for continuing education for the safety and welfare of the clients.”

“Barbershops performing chemical services. This hurts my business as well as other shops near me.”

“That we keep a strong Board of ‘cosmetology so we can keep licensed cosmetologists.”

“Good inspectors are a must. We’ve been without one for so long.”

“There are no government laws to protect real licensed cosmetologists. There are hundreds of barbers and non-licensed hairdressers that we are constantly fighting with. There are more rules against us and not the non-licensees.”

“Currently it seems that there are no problems or issues, but personally I would like to try to address the practice of cosmetology by non-licensed students and persons for profit.”

“Illegal practices in nail salons that lessen the value of the services in salons that try to practice within the code, and who use labor that wants to be paid according to their schooling and training.”

“Having qualified personnel to issue licenses in a timely manner.”

Question #8

How has the board addressed the issue?

“The past year I have seen a great improvement. I’m thankful for the changes that have been made and enforced.”

“The board has been working very hard along with the Executive Director trying to rectify this huge problem. Without enough inspectors for the state, it is hard to control and inspect the salons that are not complying with our laws. The board is doing a great job.”

“They are working on this and have improved in the past year.”

“To the best of my knowledge, the board has not been able to get laws passed to license barbers.”

“More inspectors need to be out.”

“The board says tough luck. They can’t control a person getting a barbers license for \$4.75 and setting up a business. Since no one checks them, they are doing a lot more than cutting hair.”

“They have not addressed the illegal practices in nail salons that I am aware of. The nail salons use cheap labor that have not been trained according to American standards of practice and sanitation.”

Question #9

Please feel free to discuss any matters of concern to you not addressed by the questionnaire.

“I feel that all cosmetologists and manicurists need to have continuing education courses on aid and infectious diseases. The public and our welfare protection are very important in our profession. I feel having a board is important to help control the spread of tuberculosis, hepatitis and aids. We need our board.”

“I believe the current \$80.00 fee for a cosmetologist is too high and we have not seen any differences in respect to the board doing more for the stylists and the salon owners.”

Business Licensee Questionnaire

“There should be adequate inspection of cosmetology businesses. The board should be stronger and enforce the licensing issues.”

“There are too many people practicing in shops without licenses. Our license cost too much to let any and everybody practice without a license.”

“Probably some oversight is necessary for cosmetology. The present board is interested only in fees. No help, no instruction, no one you can talk to, just send your money. The board in its present form is of no value whatsoever to the general public.”

“I think our board is improving as it should be.”

“I do not agree with the rule regarding a cosmetologist has to work under a managing cosmetologist for one year. I believe if a person is in school for one year that he or she should have the option of working under someone or opening their own shop.”

“We need a strong Board of Cosmetology and I will back it 100%.”

“The Cosmetology Board needs more support from our Legislature so the board can control the practice of hiring non-licensed non-trained unprofessional persons.”

“I have a four-year college business degree in teaching and was disappointed to see that once I received my cosmetology license I could not teach without going through the entire teaching program. I’ve already completed my student teaching and have taught ten years in the public school systems in Illinois, Texas and New York State. I have a teaching license in Alabama, but can’t use this in the field of cosmetology without going through the hours. Seems like it should be waived.”

“I feel that the amount of our licenses are too high and the increase was to hire more inspectors so they could check more often and I find that is not true so I think they need to inspect more often.”

“When I received my renewal forms for my shop and personal license, I only received my shop renewal. I mailed it in and received my license promptly. Unfortunately I misunderstood and assumed that the license covered the shop and myself. When inspected by a state inspector, she informed me otherwise. I have called numerous times and never get through to anyone and I desperately need a personal license. I now have to pay a late fee and I just don’t want my license to totally expire!”

“I am not happy with the board and how they do things. I feel that shop owners should be able to train their own stylist, because the students that I get out of beauty schools don’t know anything. I train them anyway. They go and take a test and they pass them. I don’t know what can be done, but something needs to be done. I don’t mind paying a fee for my licenses. I feel that the board and schools is a big money racket. Something needs to be changed.”

Business Licensee Questionnaire

“We were inspected twice and received 100 the first time and 80 the second time. We inquired about where to post licenses and were told on a board in the back was fine. Then someone else said it was not and lowered our score. I felt she could have told us to move the licenses and have given us a chance to do so before lowering our score.”

“NIC exams are great.”

“Give me reasons why we have a board. We should be treated like doctors or schoolteachers. We go to school and receive our diplomas. This should be enough. We don’t need to spend hundreds of dollars for fees that don’t go for any support.”

“I feel it would be terrible if we did not have a board. It’s not fair to spend time and money on an education and it not be practiced. I feel that anyone desiring to do hair or nails should be made to comply with all regulations. We need the board to protect our interests and livelihood.”

“When you call the board (it’s getting better), but many times you will receive different answers to the same question.”

Complainant Questionnaire

Questionnaires were mailed to forty-four complainants. Nineteen responded.

Question #1

Did the Board of Cosmetology acknowledge the receipt of your complaint?

Yes 4 No 15

“My complaint was a waste of time and a stamp. I sent it by certified mail with a return receipt.”

“I didn’t get a response.”

Question #2

Did the Board of Cosmetology resolve your complaint in a timely manner?

Yes No 8 Was not informed 11

Question #3

Were you satisfied with the Board of Cosmetology efforts to resolve your complaint?

Yes No 19

“I wasn’t informed whether the complaint was resolved or not.”

“The Department of Medicaid only wanted to provide information to the Board on the complaint.”

Question #4

Was there anything else the Board of Cosmetology could have done to better resolve your complaint? If yes, please explain?

Yes 19 No

“They could have informed me if an investigation was going to take place. I’m not sure if they received or acknowledged my letter.”

“When I called the office I was told to change shops or go somewhere else and then I would have to write a formal complaint, which I did. I was in shock at the above

response! All nail shops still have the unsanitary conditions of everyone dipping their fingers in the same nail remover jar.”

“Thank you for your time and energy in soliciting my response to your questions. I am glad to know that there are checks and balances being utilized with the Cosmetology Board. I would like to say that each time that I contacted the Board, I was treated cordially and the officers who handled my complaint were professional, however, my complaint was not resolved and no other recourse was suggested. I initially went to the Board because I thought they would be able to investigate further what happened. I voiced my complaint both by phone as well as by mail and I made all of the follow up contacts to find out what, if anything had been done. I was told that the Board’s state investigators were understaffed at that time (spring/summer 2001) and they would do the best that they could. Finally, the response that I received from the Director (via his secretary/receptionist on one of the occasions that I had called to find out the status of my case) was that they had done an investigation and that they found nothing to be wrong. I am still trying to resolve this dispute to no avail and it seems that it might just be one of those things that I just have to accept. In any case, I think they did their best given the circumstances, but they could have contacted me in writing or by phone if they were sincerely interested in assisting me with my dispute concerning the cosmetology school that I briefly attended. Further, they could have offered some alternative routes to take to get this dispute resolved since they were not able to find anything. It seems that as a student and consumer there should be some other recourse to take, some chain of command, or some grievance process that I can take to at least let my voice be heard. I know that the Board did something because I contacted the school in question and the school’s administrator referred to me as *“the one who turned them in.”*”

“I am sure that 90% of nail salons in our state have workers without licenses. Many people come to work from other states and they do not have any problems in Alabama. I think we need a new law to stop anyone working in our state without a license. If you want to know where the nail salons are that have workers without licenses, I will help you the best I can.”

“As a law abiding citizen, I would like to take a moment of your time to report an illegal situation that needs to be brought to your attention. First off, I am a licensed manicurist. For many years, I have worked with staffs that are not trained and/or licensed. I’ve noticed a number of competitors sprouting up around town. They too are trying to cash in on a business that has become very profitable. Unfortunately, the increased competition is something I do not welcome because it does not force each competitor to offer the best service available. By my understanding, state law prohibits the unlicensed practices and businesses of manicurists. A number of businesses that I have investigated myself have no manicurist license, or even business license for that matter. And since the Business Bureau has not been very aggressive at cracking down on these people, their business has not been competitive, but more of theft-stealing customers from other stores that have paid their dues with proper training and licensed technicians. I am sure that you are familiar with the requirements in operating a business in the State of Alabama. State law mandates that all operating nail shops must have at least one acting manager with a managerial license, all staff must provide a state

manicurist license, and must be able to provide a copy of the license during all business hours. Whether operating a nail shop, a law office or a hospital, these businesses all have the same requirements. In essence, if a doctor or a lawyer is not able to provide the State board with the proper information, the Alabama State Board is very impartial to the law. On the contrary, when the Alabama Board of Cosmetology investigates a nail shop and finds that the staff or owner is not able to provide a license; they are given more than enough leeway to produce one. I have personally been present in situation like this in a manicurist salon. The inspector asked to see the licenses of the owner and three of his manicurists. They all gave remarks such as, ***I forgot to bring it, or the license is being renewed.*** In most cases, neither the owner nor the employees have made any prior arrangements to obtain a license. In fact, the owner of the shop never took the State's required test to operate the nail shop. As for his workers, nearly half of his staff is unlicensed manicurists, but they consistently get away without even receiving a single fine. Because the Alabama Board of Cosmetology is so lenient, many stores simply do not bother following the law. It is extremely disappointing to people in my profession who abide by the law. The number of shops operating illegally will continue to increase because the government laws are not forceful enough. Many illegal stores are continuing to sprout in Birmingham, Alabama, and yet no action has been taken. To my knowledge, it has been estimated that out of ten stores, nearly six of the shops are operating illegally. Unfortunately the numbers will consistently grow if the State does not choose to enforce the law of the land. Economically speaking, in order to operate fairly in the open market economy, government regulates laws to eliminate the middleman. Which in this case, it is the people without license. The easier it is to exchange goods and services, the greater the increase in productivity. But as productivity increases, prices will decrease because of too much competition and lack of scarcity, causing market inefficiency. I do understand that your time is very busy, and there are many matters that you cannot spend all your attention on. If you are further interested in pursuing this and helping many others like myself, please let me know. Shortly after your response, I will submit all the information I have gathered in my investigation, including but not limited to: unlicensed stores, owners, managers, technicians, forgery, and all legal documents outlining what needs to be legally done before opening up a manicurist treatment center."

"The Department of Medicaid would have liked to been informed if our information was correct or incorrect."

"I was in partnership with an individual at a salon in Montgomery. My business partner's sister was working as an apprentice under my license. She was not apprenticing under a licensed individual after August and she was able to go take the state board test and continue to work without being under a license after I left the salon. The Executive Director called me and told me I was not liable anymore. My former business partner relative that works for the Board of Cosmetology informed her of the complaint that I filed. No one had done anything about the other people working for her because of her connection with the Board of Cosmetology. It has now been almost two years this August. The Board needs to get it together."

"I would like to know that the complaint was resolved."

“Any type of follow-up (via telephone, letter, etc.) would have been helpful.”

“They should have sent an inspector to verify and check on my complaint. No one ever called me back or acknowledged my complaint. Any word at all would have been appreciated.”

“I was upset due to the fact that the Board of Cosmetology never acknowledged receipt of my complaint and consequently felt they didn’t care as to the cleanliness or the conditions existing in this shop. I never returned to the shop again. I have no knowledge if they cleaned up their act or not. ***What good is the Board of Cosmetology if complaints are ignored?***”

“The Board could have acknowledged the complaint, communicated the efforts of the complaint, and informed me of the resolutions.”

“The Board of Cosmetology should have at least acknowledged my letter as well as given me a status report as to their findings. To date, the person I wrote to the Board about is currently still working without a license and the owner of the salon is well aware of this fact.”

“To the best of my knowledge, my complaint has never been addressed. I have spoken in the past to four different employees of the board and was never given any answers. The persons I have complained about are still working. A few weeks ago a state board inspector checked me, and she had also inspected the shop I had complained about. She was trying to see if she could help and was she aware of the people who were not licensed and were performing as a full service family salon. I know the salon is still in operation and the employee still has not obtained a cosmetology license. The shop has been in business for a few years.”

“The Board could’ve visited the site that the complaint was filed on and rectified the unsafe conditions.”

“Acted sooner and informed us a little more about the complaint.”

“Contact me and learn about my complaint; make an inspection of the shop I complained about; and notify me of the inspection results and the action taken.”

“I did not receive any acknowledgement that anything was done about my complaint, I am very disappointed with their work.”

“Every time I called was told no one was working this area. To my knowledge this person is still working without a license and making a lot of money doing it. You really need to check and see what the workers at the Board of Cosmetology are doing, because they did nothing for me!”

APPENDICES

Statutory Authority

CHAPTER 7A. ALABAMA BOARD OF COSMETOLOGY.

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this chapter is effective June 3, 1999.

Code Commissioner's Notes

Act 99-345, § 2 provides: "The existence and functioning of the Alabama Board of Cosmetology, created and functioning pursuant to Sections 34-7-1 to 34-7-47, inclusive, is continued pursuant to this newly-created chapter. All rights, duties, property, real or personal, and all other effects existing in the name of the Alabama Board of Cosmetology, or in any other name by which the board has been known, shall continue in the name of the Alabama Board of Cosmetology. Any reference to the Alabama Board of Cosmetology, or any other name by which the board has been known, in any existing law, contract, or other instrument shall constitute a reference to the Alabama Board of Cosmetology as created in this chapter. All actions of the Alabama Board of Cosmetology lawfully done prior to June 3, 1999, by the board or by the executive director, are approved, ratified, and confirmed. The board as constituted on June 3, 1999, shall constitute the board under this chapter."

REFERENCES

CROSS REFERENCES

As to health laws applicable to manicure or beauty shops, see §§ 22-17-1 et seq.

As to licenses for manicurists, hairdressers, etc., see § 40-12-124.

ADMINISTRATIVE CODE

4 Ala. Admin. Code 250-X-4-.01 et seq., Board of Cosmetology; Apprentices.

4 Ala. Admin. Code 250-X-5-.01 et seq., Board of Cosmetology; Reciprocity.

4 Ala. Admin. Code 250-X-6-.01 et seq., Board of Cosmetology; Schools of Cosmetology.

4 Ala. Admin. Code 250-X-7-.01 et seq., Board of Cosmetology; Mobile Cosmetological Establishment.

4 Ala. Admin. Code 250-X-8-.01 et seq., Board of Cosmetology; Schools of Manicuring.

§ 34-7A-1. Definitions. [AL ST SEC 34-7A-1]

Current through End of 2001 Regular Session

Historical Notes

For the purposes of this chapter, the following words and phrases shall have the following meanings:

(1) Apprentice cosmetologist. Any person who is engaged in the learning or acquiring of any or all practices of cosmetology and, while so learning, performs or assists in any of the practices of cosmetology in a licensed cosmetology salon under the direction of a master or instructor cosmetologist.

(2) Apprentice esthetician. Any person who is engaged in the learning or acquiring of any or all practices of an esthetician and, while so learning, performs or assists in any of the practices of skin care in a licensed esthetician salon or cosmetology salon under the direction of a master or instructor esthetician, or master or instructor cosmetologist.

(3) Apprentice manicurist. Any person who is engaged in the learning or acquiring of any or all practices of manicuring and, while so learning, performs or assists in any of the practices of manicuring in a licensed manicurist salon or cosmetology salon under the direction of a master or instructor cosmetologist or master or instructor manicurist.

(4) Board. The Alabama Board of Cosmetology.

(5) Booth rental. The practice of renting space within an established cosmetology salon to a sole proprietor as a legally separate business entity. A booth renter shall be a managing or master cosmetologist.

(6) Cosmetologist. Any person, not an apprentice or a student, following or practicing cosmetology on members of the general public for compensation, and who shall have the qualifications and licensing hereinafter provided for a cosmetologist.

(7) Cosmetologist instructor. A cosmetologist who teaches cosmetology, or any practices thereof, in a duly registered school of cosmetology.

(8) Cosmetologist student instructor. A cosmetologist who is receiving instruction in teacher's training in a duly registered school of cosmetology.

(9) Cosmetology. Any one or a combination of practices generally and usually performed by, and known as the profession of beauty culturists, cosmeticians, cosmetologists, hairdressers, or of any other person holding himself or herself out as practicing cosmetology by whatever designation and within the meaning of this chapter in and upon whatever place or premises; and in particular shall include, but otherwise not be limited thereby, to the following or any one or a combination of practices: arranging, dressing, curling, waxing, weaving, cleansing, cutting, singeing, bleaching, coloring, or similar work upon the hair of any person, by any means, and/or with hands or mechanical or electrical apparatus or appliances, or by the use of cosmetic preparations, antiseptics, tonics, lotions, creams or otherwise, massaging, cleansing, stimulating, exercising, beautifying, or similar work on the scalp, face, neck, arms, legs, feet, hands, bust, or upper part of the body, or manicuring the nails of any person or adding nail tips, extensions, gels, or other articles to nails, or performing desairology, the art and science of dressing and arranging the hair, nails, and clothing of the deceased.

(10) Cosmetology salon. Any place wherein cosmetology or any of its practices are followed, whether the place is known or designated as a cosmetician, cosmetological, or cosmetology salon or establishment or whether the person

practicing cosmetology holds himself or herself out as a cosmetician, cosmetologist, or beauty culturist, or by any other name, or designation indicating that cosmetology is practiced therein. A cosmetology salon shall have a managing or master cosmetologist on duty five days a week.

(11) Cosmetic studio. Any place where a demonstrator performs demonstrations for the advertisement or sale of cosmetics.

(12) Credit unit hours. One credit unit hour equals one and one-fourth clock hours. A sufficient number of credit unit hours is necessary to provide a standardized curriculum in the practice of cosmetology and related practices regulated by the board.

(13) Demonstrator. A person, not licensed in this state as a cosmetologist or cosmetologist instructor, who performs demonstrations for the advertisement or sale of cosmetics by physically applying cosmetic preparations to the hair or body of another person.

(14) Esthetician. Any person, not an apprentice or a student, who engages in any of the following specialized practices generally recognized in the field of cosmetology: skin care, make-up artistry, facials, and body waxing.

(15) Esthetician instructor. An esthetician who teaches skin care or any practices thereof in a duly registered school of cosmetology or school for estheticians.

(16) Esthetician salon. Any place, not a cosmetology salon, wherein skin care or any of its practices are followed. An esthetician salon shall have a managing or master cosmetologist or managing or master esthetician on duty five days a week.

(17) Esthetician student instructor. An esthetician who is receiving instruction in teacher's training in skin care in a duly registered school for estheticians or school of cosmetology.

(18) Managing Cosmetologist. A cosmetologist who manages or conducts a cosmetology salon or school of cosmetology.

(19) Managing esthetician. Any person who manages or conducts an esthetician salon.

(20) Managing manicurist. Any person who manages or conducts a manicurist salon.

(21) Manicurist. Any person, not an apprentice or a student, who engages only in the practice of manicuring, adding nail tips, extensions, gels, or otherwise grooming the nails of another person.

(22) Manicurist instructor. A manicurist who teaches nail care or any practices thereof in a duly registered school of cosmetology or school of manicuring.

(23) Manicurist salon or nail salon. Any place, not a cosmetology salon, wherein manicuring or any of its practices are followed. A manicurist salon shall have a managing or master cosmetologist or managing or master manicurist on duty five days a week.

(24) Manicurist student instructor. A manicurist who is receiving instruction in teacher's training in nail care in a duly registered school of manicuring or school of cosmetology.

(25) Master cosmetologist. A managing cosmetologist who has completed an approved course of study in continuing education within a licensing period and has paid an original licensing fee as established by the board. A master cosmetologist

license is an optional license which may be renewed by the licensee concurrently with his or her managing license.

(26) Master esthetician. A managing esthetician who has completed an approved course of study in continuing education within a licensing period and has paid an original licensing fee as established by the board. A master esthetician license is an optional license which may be renewed by the licensee concurrently with his or her managing license.

(27) Master manicurist. A managing manicurist who has completed an approved course of study in continuing education within a licensing period and has paid an original licensing fee as established by the board. A master manicurist license is an optional license which may be renewed by the licensee concurrently with his or her managing license.

(28) Place of cosmetology. A place where cosmetology is practiced on members of the public for compensation and a place where cosmetology is taught to student apprentices.

(29) School for estheticians. Any place wherein only skin care or any of its practices are taught, whether the place is known, operated, or designated as a school for estheticians, or otherwise, indicating that skin care is taught therein to students.

(30) School of cosmetology. Any place wherein cosmetology or any of its practices are taught, whether the place is known, operated, or designated as a cosmetician or cosmetological school or establishment, or otherwise, indicating that cosmetology is taught therein to students.

(31) School of manicuring. Any place wherein only manicuring or any of its practices are taught, whether the place is known, operated, or designated as a school of manicuring, or otherwise, indicating that manicuring is taught therein to students.

(32) Shampoo assistant. Any person who is licensed as a shampoo assistant, meets all of the requirements for a health certificate, and engages only in the practices of shampooing, cleaning, or applying temporary weekly color rinses to the hair of any person.

(33) Student cosmetologist. Any person who is engaged in the learning or acquiring of any or all practices of cosmetology and, while so learning, performs or assists in any of the practices of cosmetology in a school of cosmetology under the instruction or immediate supervision of an instructor cosmetologist.

(34) Student esthetician. Any person who is engaged in the learning or acquiring of any or all practices of an esthetician and, while so learning, performs or assists in any of the practices of skin care in a school for estheticians or school of cosmetology under the instruction or immediate supervision of an instructor esthetician or instructor cosmetologist.

(35) Student manicurist. Any person who is engaged in the learning or acquiring of any or all practices of manicuring and, while so learning, performs or assists in any of the practices of manicuring in a school of manicuring or school of cosmetology under the instruction or immediate supervision of an instructor manicurist or instructor cosmetologist.

(Act 99-345, p. 478, § 3.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective June 3, 1999.

§ 34-7A-2. Penalties. [AL ST SEC 34-7A-2]

Current through End of 2001 Regular Session

Historical Notes

Any person who practices, maintains a school, maintains a salon, or acts in any capacity without a certificate or license when one is required pursuant to this chapter, or who otherwise violates any provision of this chapter, shall be guilty of a misdemeanor and fined no more than five hundred dollars (\$500) or imprisoned for no more than 90 days, or both. Any corporation which acts in violation of any provision of this chapter shall be punished by a fine of no more than one thousand dollars (\$1,000). (Act 99-345, p. 478, § 3.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective June 3, 1999.

§ 34-7A-3. Board of Cosmetology. [AL ST SEC 34-7A-3]

Current through End of 2001 Regular Session

Historical Notes References

(a) There is created the Alabama Board of Cosmetology which shall consist of seven persons appointed by the Governor, with the advice and consent of the Senate. The seven members shall consist of the seven members of the existing Board of Cosmetology. One member shall be appointed from each congressional district, as those districts are constituted on June 3, 1999. At least five of the members of the board shall be active licensed master cosmetologists or instructor cosmetologists who reside in the district he or she represents and two of the members may be consumers. The membership of the board shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state.

(b) The terms of all current members of the board shall continue upon June 3, 1999, and the seven-person board as constituted on that date shall continue as the board under this chapter. As terms expire, successor board members shall be appointed by the Governor, with the advice and consent of the Senate. All appointments shall be for a term of four years. No person shall serve for more than two terms on the newly-constituted board. Vacancies on the board shall be filled by the Governor, with the advice and consent of the Senate, for the unexpired terms. Any board member may be removed by the Governor for just cause.

(c) Any cosmetologist serving as a member of the board shall have at least five years of practical experience in the majority of the practices of cosmetology.

(d) The board may do all things necessary and convenient for enforcing this chapter. The board may from time to time promulgate necessary rules and regulations compatible with this chapter. The board shall compile and publish all rules and regulations, together with a copy of this chapter, and distribute the same to all licensees. Any amendment to this chapter or the rules and regulations of the board shall be published by the board and distributed to all licensees. Distributed copies shall be retained in each salon or school licensed by the board and shall be made available for inspection by salon or school personnel and the general public during normal operating hours.

(e) The board shall establish the recommended number of credit unit hours, including all phases necessary to produce competent practitioners, in each profession regulated by the board. The board shall also promulgate guidelines for approved seminars of continuing education.

(f) All rules and regulations promulgated by the board prior to June 3, 1999, are repealed. The board shall adopt rules and regulations pursuant to the Administrative Procedure Act, Chapter 22 of Title 41, to implement this chapter.
(Act 99-345, p. 478, § 3.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective June 3, 1999.

Code Commissioner's Notes

Act 99-345, § 2 provides: "The existence and functioning of the Alabama Board of Cosmetology, created and functioning pursuant to Sections 34-7-1 to 34-7-47, inclusive, is continued pursuant to this newly-created chapter."

Act 2000-137, § 2 provides: "The existence and functioning of the Alabama Board of Cosmetology, created and functioning pursuant to Sections 34-7A-1 to 34-7A-25, inclusive, Code of Alabama 1975, is continued for one year, and those code sections are expressly preserved."

Act 2001-252, § 2 provides: "The existence and functioning of the Alabama Board of Cosmetology, created and functioning pursuant to Sections 34-7A-1 to 34-7A-25, inclusive, Code of Alabama 1975, is continued until October 1, 2003, and those code sections are expressly preserved."

REFERENCES

ADMINISTRATIVE CODE

4 Ala. Admin. Code 250-X-1-.01 et seq., Board of Cosmetology; Administration.

§ 34-7A-4. Board -- Officers, personnel. [AL ST SEC 34-7A-4]

Current through End of 2001 Regular Session

Historical Notes

(a) The members of the board shall annually elect from among their membership a president, a secretary, and a treasurer. The board members, before entering upon the discharge of their duties, shall each file with the State Treasurer a good and sufficient

bond in the penal sum of five thousand dollars (\$5,000), payable to the state to insure the faithful performance of his or her duties. The premium on the bond shall be paid out of the funds of the board. The bond, with the approval of the board and oath of office endorsed thereon, shall be deposited and kept within the office of the Secretary of State. The treasurer of the board shall file with the State Treasurer a good and sufficient bond in the penal sum of twenty-five thousand dollars (\$25,000), payable to the state to insure the faithful performance of his or her duties as treasurer. The premium on the bond shall be paid out of the funds of the board.

(b) The position of executive director shall be appointed by the Governor in the unclassified service as provided for in Section 36-26-10. The executive director serving on June 3, 1999, unless appointed by the Governor on or after January 17, 1999, shall vacate his or her office immediately upon the Governor appointing an executive director to that position pursuant to this subsection. Vacancies in the position of executive director shall be filled by appointment of the Governor. The executive director shall serve at the pleasure of the Governor. The executive director shall hire all necessary employees of the board, subject to the State Merit System.

(c) Additional personnel may be employed by the board, with the approval of the executive director. A minimum of eight inspectors shall be employed by the board. Inspectors shall be paid the same mileage and per diem rate as other state employees. The compensation of personnel shall be paid out of the funds received by the board. The board shall establish job descriptions and duties for each employee, consistent with merit system employee guidelines of the State Personnel Board.
(Act 99-345, p. 478, § 3.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective June 3, 1999.

§ 34-7A-5. Board -- Compensation, etc. [AL ST SEC 34-7A-5]

Current through End of 2001 Regular Session

Historical Notes

Each member of the board shall be paid one hundred dollars (\$100) per day for transaction of board business, not to exceed 50 days during any calendar year. The board members shall also be paid the same mileage and per diem rate as other state employees from funds received by the board. Monies deposited in the State Treasury for the benefit of the board, shall be disbursed only upon warrant of the State Comptroller upon the State Treasury, upon itemized vouchers signed by the president and treasurer of the board or their authorized designees. Any money remaining in this fund at the end of each fiscal year shall remain on deposit in the State Treasury for the use of the board.
(Act 99-345, p. 478, § 3.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective June 3, 1999.

§ 34-7A-6. Board -- Meetings. [AL ST SEC 34-7A-6]

Current through End of 2001 Regular Session

Historical Notes

The board shall meet at such times and places as a majority of the members shall agree upon. A majority of the members of the board shall constitute a quorum for the transaction of business. The board shall prescribe rules for its governance and shall adopt an official seal for the authentication of board transactions.

(Act 99-345, p. 478, § 3.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective June 3, 1999.

§ 34-7A-7. Application for examination or licensure. [AL ST SEC 34-7A-7]

Current through End of 2001 Regular Session

Historical Notes References

(a) Any person who desires to engage in any of the practices regulated by the board pursuant to this chapter shall file with the board a written application for examination or licensure. The application shall be accompanied by a certificate of health, verified by a licensed physician, specifying the dates and results of chest X-rays or skin tests performed during the year immediately preceding application. An application for examination shall include the payment of a nonrefundable fee for each examination or reexamination of an applicant.

(b) Examination of an applicant for licensure shall be conducted pursuant to a procedure prescribed by the board. The procedure shall not be confined to any specific system or method and examinations shall be consistent with the prescribed curriculum for schools.

(c) Any applicant who fails the state board examination on the first attempt may have his or her temporary permit extended until the next scheduled examination. Any applicant who fails the state board examination on the second attempt shall complete an additional 375 clock hours in the appropriate school or complete an additional 600 clock hours of training in the appropriate salon or shop before a third attempt is permitted. Any student instructor who fails the examination on two attempts shall complete an additional 650 clock hours of training before a third attempt is permitted. On a third attempt, an applicant shall be required to take the entire examination.

(d) The licensure examination of a student instructor of cosmetology, skin care, or manicuring shall be conducted by an instructor of the same profession.

(Act 99-345, p. 478, § 3.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective June 3, 1999.

REFERENCES

ADMINISTRATIVE CODE

4 Ala. Admin. Code 250-X-2-.01 et seq., Board of Cosmetology; Licenses.

§ 34-7A-8. Records; register of applicants. [AL ST SEC 34-7A-8]

Current through End of 2001 Regular Session

Historical Notes

(a) The board shall keep a permanent record of its proceedings. That record and all other books and records maintained by the board shall be public information, shall be prima facie evidence of matters therein contained, and shall at all reasonable times be open for public inspection.

(b) The board shall keep a register of all applicants for a certificate or licensure. The register shall include, but not be limited to, all of the following information:

- (1) The name, address, county of residence, and phone number of each applicant.
- (2) The birth date and Social Security number of each applicant.
- (3) The type of certificate or license applied for and the date of application.
- (4) Whether the applicant was granted or refused a certificate or license, and if

refused, the reason for the refusal.

(Act 99-345, p. 478, § 3.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective June 3, 1999.

§ 34-7A-9. Issuance of certificate or license. [AL ST SEC 34-7A-9]

Current through End of 2001 Regular Session

Historical Notes References

A certificate or license issued by the board, signed by the secretary of the board, and under the seal of the board, shall be evidence that the holder is entitled to practice the profession or professions listed thereon.

- (1) A certificate or license shall be issued by the board to any applicant who, to the satisfaction of the board, successfully completes the applicable examination, pays the required fee or fees, and otherwise complies with this chapter. A certificate or license shall be issued by the board without examination to any applicant who pays

the required fee or fees, complies with the requirements for licensure, and otherwise qualifies for licensure.

(2) The board may grant the appropriate license, without examination, to any applicant who pays the required fee or fees and is currently licensed in good standing in another state, territory, District of Columbia, or foreign country, if the requirements for licensure in the foreign jurisdiction were substantially similar to the requirements of this state at the time of foreign licensure. The applicant shall present proof to the board that he or she has continuously practiced the applicable profession for at least five years immediately preceding application.

(Act 99-345, p. 478, § 3.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective June 3, 1999.

REFERENCES

ADMINISTRATIVE CODE

4 Ala. Admin. Code 250-X-2-.01 et seq., Board of Cosmetology; Licenses.

§ 34-7A-10. Payment of fees. [AL ST SEC 34-7A-10]

Current through End of 2001 Regular Session

Historical Notes References

Fees for examination, licensure, and certification shall be paid in advance to the board and deposited each month into the State Treasury to the credit of a fund for the use of the board.

(Act 99-345, p. 478, § 3.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective June 3, 1999.

REFERENCES

ADMINISTRATIVE CODE

4 Ala. Admin. Code 250-X-9-.01, Board of Cosmetology; Fees.

§ 34-7A-11. Fee schedule. [AL ST SEC 34-7A-11]

Current through End of 2001 Regular Session

Historical Notes References

A fee schedule established by the board shall include, but not be limited to, all of the following:

- (1) Original issuance and renewal fees for any personal license regulated by the board.
 - (2) Fees for upgrading a personal license during the renewal period and for upgrading a personal license to a manager or master license.
 - (3) Renewal fees for a personal license on inactive status.
 - (4) Fees for restoring an inactive license to active status.
 - (5) Original issuance and renewal fees for salons, booth renters, and cosmetic studios.
 - (6) Original issuance and renewal fees for schools of cosmetology, schools of manicuring, and schools for estheticians.
 - (7) Original issuance and renewal fees for applicants seeking licensure by reciprocity.
 - (8) Penalty fees for late renewal of any license.
 - (9) Examination and reexamination fees for students in public or private schools.
- (Act 99-345, p. 478, § 3.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective June 3, 1999.

REFERENCES

ADMINISTRATIVE CODE

4 Ala. Admin. Code 250-X-9-.01, Board of Cosmetology; Fees.

§ 34-7A-12. Change of name or address. [AL ST SEC 34-7A-12]

Current through End of 2001 Regular Session

Historical Notes

- (a) A personal licensee shall notify the board immediately of any name or address change and the board shall retain that information on file for renewal and inspection purposes.
 - (b) Each salon, booth renter, and cosmetic studio shall notify the board immediately of any name or address change and the board shall retain that information on file for renewal and inspection purposes.
 - (c) Each salon, booth renter, and cosmetic studio which relocates to a different county shall obtain a new license from the board before moving.
- (Act 99-345, p. 478, § 3.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective June 3, 1999.

§ 34-7A-13. School registration. [AL ST SEC 34-7A-13]

Current through End of 2001 Regular Session

Historical Notes

(a) Application for school registration shall be filed with the board on forms provided by the board.

(b) No school shall be granted a certificate of registration unless all of the following requirements are satisfied:

(1) The school employs and maintains two competent instructors, at least one for every 20 students in attendance, at any one time. If the school has more than 20 students enrolled, the school shall employ an additional instructor. If the school has less than 20 students enrolled, the school shall employ one instructor and one on-call instructor.

(2) The school possesses apparatus and equipment sufficient for the proper and complete teaching of all subjects in its curriculum.

(3) The school keeps a daily attendance record of each student.

(4) The school maintains regular classes and instruction hours, establishes grades, and conducts examinations before issuing diplomas.

(5) The school requires a school term of training for a complete course with the minimum number of hours therein prescribed.

(6) The school includes practical demonstrations, theoretical studies, and study in sanitation, sterilization, other safety measures and the use of antiseptics, cosmetics, and electrical appliances, consistent with the practical and theoretical requirements applicable to cosmetology or any practice of either.

(7) The school certifies that all furniture, equipment, tools, appliances, floors, and ceilings, are kept in a clean, sanitary, and safe condition.

(c) A school that enrolls student instructors shall not have at any one time more than two student instructors for each licensed instructor actively engaged in the school. A school engaged only in the teaching of estheticians or manicurists shall not be required to provide instruction in other practices of cosmetology but shall meet all other requirements imposed by the board upon a school of cosmetology pertaining to instructors, attendance records, enrollments, and other matters.

(Act 99-345, p. 478, § 3.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective June 3, 1999.

§ 34-7A-14. Display of certificate. [AL ST SEC 34-7A-14]

Current through End of 2001 Regular Session

Historical Notes

Each holder of a certificate or license granted by the board shall display the certificate or license in a conspicuous place in his or her principal office, place of business, or place of employment, and each license or certificate shall have attached thereto a picture of the licensee made not more than three years prior to the date the license was issued.

(Act 99-345, p. 478, § 3.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective June 3, 1999.

§ 34-7A-15. Refusal, revocation, etc., of certificate or license. [AL ST SEC 34-7A-15]

Current through End of 2001 Regular Session

Historical Notes

(a) The board may refuse to grant, or may revoke or suspend, a license or a certificate of registration upon proof of violation of this chapter or any rule or regulation promulgated by the board.

(b)(1) The board may, for any of the following reasons, refuse to grant or renew, or may revoke or suspend the license or certificate of registration of any applicant, licensee, or holder who:

- a. Is found guilty of fraud or dishonest conduct in taking the examination.
- b. Has been convicted of a felony or gross immorality, or is guilty of grossly unprofessional or dishonest conduct.
- c. Is addicted to the excessive use of intoxicating liquor or to the use of drugs to an extent that he or she is rendered unfit to practice any profession regulated by the board.
- d. Advertises by means of knowingly false or deceptive statements.
- e. Fails to display his or her license or certificate as required by this chapter.

(2) The board may not refuse to grant, refuse to renew, revoke, or suspend any license or certificate without a hearing. The affected applicant, licensee, or holder of a certificate shall be given at least 20 days' notice in writing of the hearing, specifying the reasons for the action by the board and any offense charged. Notice may be served by registered or certified mail to the last known residence or business address of the applicant, licensee, or holder of a certificate. The hearing shall be held in Montgomery County at a time and place prescribed by the board.

(c) In addition to any disciplinary powers authorized by this section, the board may levy and collect an administrative fine of not more than five hundred dollars (\$500) per violation for serious violations of this chapter or the rules or regulations of the board.

(Act 99-345, p. 478, § 3.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective June 3, 1999.

§ 34-7A-16. Findings, orders of board. [AL ST SEC 34-7A-16]

Current through End of 2001 Regular Session

Historical Notes

Any finding or order of the board, obtained pursuant to an inquiry or hearing conducted before a majority of the members of the board, shall be deemed the finding or order of the board when approved and confirmed by a majority of the members of the board.

(Act 99-345, p. 478, § 3.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective June 3, 1999.

§ 34-7A-17. Appeal. [AL ST SEC 34-7A-17]

Current through End of 2001 Regular Session

Historical Notes

Notwithstanding any other provision of law, a person who has exhausted all administrative remedies available through the board, other than a rehearing, and who has been aggrieved by a final decision in a contested case, shall be entitled to an appeal in accordance with Section 41-22-20. A decision by the board to refuse to issue or renew a license, or to revoke, suspend, or otherwise restrict a license or limit or otherwise discipline a licensee, shall be subject to those provisions regarding stays pursuant to subsection (c) of Section 41-22-20. A decision that a candidate for licensure has failed any examination given by the board shall not be considered a final order reviewable by any court.

(Act 99-345, p. 478, § 3.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective June 3, 1999.

§ 34-7A-18. Construction of chapter. [AL ST SEC 34-7A-18]

Current through End of 2001 Regular Session

Historical Notes

This chapter shall not be construed to affect or regulate the teaching of cosmetology or any of its practices in any public school.

(Act 99-345, p. 478, § 3.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective June 3, 1999.

§ 34-7A-19. Exemption from chapter. [AL ST SEC 34-7A-19]

Current through End of 2001 Regular Session

Historical Notes

(a) This chapter shall not apply to any of the following activities or services:

(1) Service in the case of emergency or domestic administration, without compensation.

(2) Services by persons authorized under the laws of this state to practice medicine, surgery, dentistry, chiropody, osteopathy, or chiropractic or the occupation of a masseur.

(3) The services by any barber, including barber's apprentices and shop boys, when engaged in any of the following practices:

a. Arranging, cleaning, cutting, styling, dressing, curling, applying permanent curling or styling solution, waving, bleaching, coloring, applying any cosmetic chemical preparation to or singeing the hair of any person.

b. Massaging, cleansing, stimulating, exercising, or similar work upon the scalp, face, or neck of any person with the hands, or with mechanical or electrical apparatus or appliance, or by the use of cosmetic preparations, antiseptics, tonics, lotions, or creams.

(4) The services of personnel of the United States Army, Navy, Air Force, or Marine Corps.

(5) The services of registered nurses doing any of the acts or works defined as cosmetology.

(6) To the teaching or practice of cosmetology in training public school or trade school pupils.

(7) To any person who only occasionally dresses hair and receives no compensation therefor, or does any other act or thing mentioned in this chapter without holding himself or herself out to the public as a practicing cosmetologist.

(8) To any public trade school or other public school or school program under the purview of the State Board of Education or a local board of education.

(9) To departments in retail establishments where cosmetics are demonstrated and offered for sale but where no other acts of cosmetology are performed.

(b) Any person who knowingly interferes with any service, practice, or action exempted from this chapter shall be guilty of a Class A misdemeanor.

(Act 99-345, p. 478, § 3.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective June 3, 1999.

§ 34-7A-20. Duration, renewal, and restoration of certificate or license. [AL ST SEC 34-7A-20]

Current through End of 2001 Regular Session

Historical Notes

(a) A license issued by the board shall be for a period of two years or less as follows:

(1) A personal license issued after June 3, 1999, shall expire on the first day of the

birth month of the licensee in odd-numbered years. An application for renewal of a personal license shall be received by the board on or before the last day of the birth month of the licensee in odd-numbered years. A penalty fee shall be assessed against a licensee whose renewal application is not timely received by the board.

(2) A business, salon, or school license issued after June 3, 1999, shall expire on the first day of September in odd-numbered years. An application for renewal of a business, salon, or school license shall be received by the board before November 1 in odd-numbered years. A penalty fee shall be assessed against the holder of a business, salon, or school license whose renewal application is not timely received by the board.

(b)(1) An expired certificate or license may be restored within three years after the date of expiration upon payment of a fee. The restoration fee shall include accumulated annual renewal fees for the lapsed period, a penalty fee, and the current renewal fee.

(2) A license which has been expired for more than three years may be restored upon proof of prior licensing, payment of the applicable examination fee, successful completion of the practical part of the applicable examination, and payment of accumulated fees for the lapsed period.

(c) The name of any licensee, certificate holder, student, or apprentice who has not renewed or become licensed by the board within four years of making application to the board may be purged from any register kept by the board.

(Act 99-345, p. 478, § 3.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective June 3, 1999.

§ 34-7A-21. Salon, shop, or booth license. [AL ST SEC 34-7A-21]

Current through End of 2001 Regular Session

Historical Notes References

Any person desiring to obtain a salon license, shop license, or booth license shall submit a written request to the board for an application. A salon or shop that loses its managing or master licensee shall immediately notify the board, hire a new manager or master licensee, and submit an affidavit completed by the new manager or master to the board.

(Act 99-345, p. 478, § 3.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective June 3, 1999.

REFERENCES

ADMINISTRATIVE CODE

4 Ala. Admin. Code 250-X-3-.01 et seq., Board of Cosmetology; Operation of Beauty Shops.

§ 34-7A-22. Qualifications of applicants for examination, registration, etc. [AL ST SEC 34-7A-22]

Current through End of 2001 Regular Session

Historical Notes

No person may be admitted to examination, registered, licensed, or issued a certificate by the board unless he or she possesses the following applicable qualifications:

(1) Apprentice. A cosmetologist, esthetician, or manicurist apprentice shall be registered with the board upon beginning an apprenticeship in a licensed shop or salon and paying the original registration fee. An apprentice shall be at least 16 years of age at the time of registration and shall have an education equivalent to the completion of 10 grades in school. Any salon or shop which trains an apprentice shall immediately file with the board the name and age of the apprentice, and the board shall retain that information in a register kept for that purpose. An apprentice shall not be concurrently enrolled in a school licensed pursuant to this chapter except for six hours of theory training per week. An esthetician salon may only train an apprentice esthetician for license under the direction of a master or instructor esthetician. A manicurist salon may only train an apprentice manicurist for license under the direction of a master or instructor manicurist.

(2) Cosmetologist. Except as otherwise provided in this chapter, no person may be licensed as a cosmetologist in any one or a combination of the practices of cosmetology unless he or she pays the original licensing fee, has an education equivalent to the completion of 10 grades in school, has passed the applicable examination to the satisfaction of the board, and has successfully completed either of the following:

a. A complete course of cosmetology, consisting of all or a majority of the practices thereof, in a school of cosmetology, consisting of not less than 1,200 credit unit hours nor more than 1,700 actual clock hours of continuous training, not exceeding eight hours a day, or a course of study in a public school or trade school consisting of not less than 1,200 credit unit hours nor more than 1,700 actual clock hours of training.

b. An apprenticeship in a cosmetology salon for not less than 3,000 hours of training over a maximum three year period, not exceeding eight hours a day.

(3) Cosmetologist instructor.

a. Except as otherwise provided in this chapter, no person may be licensed as an instructor in any one or a combination of the practices of cosmetology unless he or she pays the original licensing fee, is a licensed cosmetologist, and, to be eligible for admission to examination, has successfully completed either of the following:

1. Not less than 1,250 credit unit hours nor more than 1,700 actual clock hours in a teacher's training course in cosmetology in a school of cosmetology, or a course of study in a public school or trade school consisting of not less than 1,250 credit unit hours nor more than 1,700 actual clock hours

of training.

2. At least one year of experience as an active practicing cosmetologist before enrollment as a student instructor, supplemented by not less than 650 hours in a teacher's training course in cosmetology in a school of cosmetology.

b. To be eligible to enroll in a teacher's training course, a cosmetologist shall have an education equivalent to the completion of 12 grades in school.

c. A cosmetologist instructor shall complete 16 hours of course study in continuing education from a board-approved seminar during each licensing period.

(4) Demonstrator. A demonstrator shall obtain a license from the board before conducting a demonstration. The requirements for a demonstrator's license include, but are not limited to, submission to the board of a health card, two photographs, a notarized application, and the applicable fee.

(5) Esthetician. Except as otherwise provided in this chapter, no person may be licensed as an esthetician unless he or she pays the original licensing fee, has an education equivalent to the completion of 10 grades in school, has passed the applicable examination to the satisfaction of the board, and has successfully completed either of the following:

a. A complete course of skin care, consisting of all or a majority of the practices thereof, in a school of cosmetology or school for estheticians, consisting of not less than 1,200 credit unit hours nor more than 1,700 actual clock hours of continuous training, not exceeding eight hours a day, or a course of study in a public school or trade school consisting of not less than 1,200 credit unit hours nor more than 1,700 actual clock hours of training.

b. An apprenticeship in a cosmetology salon or esthetician salon for not less than 3,000 hours of training over a maximum three year period, not exceeding eight hours a day.

(6) Esthetician instructor. Except as otherwise provided in this chapter, no person may be licensed as an esthetician instructor unless he or she pays the original licensing fee, is a licensed cosmetologist or esthetician, and, to be eligible for admission to examination, has successfully completed not less than 1,250 credit unit hours nor more than 1,700 actual clock hours in a teacher's training course in skin care in a school of cosmetology or school for estheticians. To be eligible to enroll in a teacher's training course, an esthetician shall have an education equivalent to the completion of 12 grades in school. An esthetician instructor shall complete 16 hours of course study in continuing education from a board-approved seminar during each licensing period.

(7) Managing cosmetologist. Except as otherwise provided in this chapter, no person may be licensed as a managing cosmetologist unless he or she pays the original licensing fee, is a licensed cosmetologist, and has practiced as a cosmetologist in a cosmetology salon or school of cosmetology for at least one year before application.

(8) Managing esthetician. Except as otherwise provided in this chapter, no person may be licensed as a managing esthetician unless he or she pays the original licensing fee, is a licensed esthetician, and has practiced as an esthetician in a cosmetology

salon, esthetician salon, school of cosmetology, or school for estheticians for at least one year before application.

(9) Managing manicurist. Except as otherwise provided in this chapter, no person may be licensed as a managing manicurist unless he or she pays the original licensing fee, is a licensed manicurist, and has practiced as a manicurist in a cosmetology salon, manicurist salon, school of cosmetology, or school of manicuring for at least one year before application.

(10) Manicurist. Except as otherwise provided in this chapter, no person may be licensed as a manicurist unless he or she pays the original licensing fee, has an education equivalent to the completion of 10 grades in school, has passed the applicable examination to the satisfaction of the board, and has successfully completed either of the following:

a. A complete course of manicuring, consisting of all or a majority of the practices thereof, in a school of cosmetology or school of manicuring, consisting of not less than 600 credit unit hours of continuous training, not exceeding eight hours a day, or a course of study in a public school or trade school consisting of not less than 600 credit unit hours of training.

b. An apprenticeship in a cosmetology salon or manicurist salon for not less than 1,200 hours of training over a maximum three year period, not exceeding eight hours a day.

(11) Manicurist instructor.

a. Except as otherwise provided in this chapter, no person may be licensed as a manicurist instructor unless he or she pays the original licensing fee, is a licensed cosmetologist or manicurist, and, to be eligible for admission to examination, has successfully completed either of the following:

1. Not less than 1,250 actual clock hours in a teacher's training course in manicuring in a school of cosmetology or school of manicuring, or a course of study in a public school or trade school consisting of not less than 1,250 actual clock hours of training.

2. At least one year of experience as an active practicing cosmetologist or manicurist before enrollment as a student instructor, supplemented by not less than 650 hours in a teacher's training course in cosmetology or manicuring in a school of cosmetology or school of manicuring.

b. To be eligible to enroll in a teacher's training course, a manicurist shall have an education equivalent to the completion of 12 grades in school.

c. A manicurist instructor shall complete 16 hours of course study in continuing education from a board-approved seminar during each licensing period.

(12) Master cosmetologist or master esthetician or master manicurist. Any person licensed as a managing cosmetologist, managing esthetician, or managing manicurist, who pays the original licensing fee and completes a course of study in continuing education approved by the board within a licensing period, may be issued a master license. The master license is an optional license available upon renewal to those licensees who voluntarily complete the continuing education requirements.

(13) Student cosmetologist.

a. Upon certification of enrollment by a school of cosmetology, the name and

birth date of each student cosmetologist shall be entered by the board in a register kept for that purpose. A student cosmetologist shall be at least 16 years of age at the time of registration and shall have an education equivalent to the completion of 10 grades in school. Registration with the board shall be on forms provided by the board.

b. A student who has completed 70 percent of the required school instructional hours may, when school is not in session, work in a cosmetology salon. One student trainee shall be allowed for the first master or managing cosmetologist and one additional student trainee shall be allowed for each three additional cosmetologists on staff.

c. Within 90 days after a student completes the required school instructional hours and training, the appropriate instructor shall schedule an examination of the student with the board. If application for examination is not received within the 90 day period, the applicable instructional hours and training shall be invalidated.

(14) Student esthetician. Upon certification of enrollment by a school of cosmetology, or school for estheticians, the name and birth date of each student esthetician shall be entered by the board in a register kept for that purpose. A student esthetician shall be at least 16 years of age at the time of registration and shall have an education equivalent to the completion of 10 grades in school.

(15) Student instructor. Upon certification of enrollment by a school of cosmetology, school for estheticians, or school of manicuring, the name, birth date, and qualifications of each student instructor shall be entered by the board in a register kept for that purpose. At the time of enrollment, a student instructor shall be licensed as a cosmetologist, esthetician, or manicurist and shall have an education equivalent to the completion of 12 grades in school. Upon completing the instructional course prescribed for student instructors, a student instructor may apply to the board for examination, on a form provided by the board, and pay any applicable examination fee. Any applicant who passes the examination to the satisfaction of the board and pays the original licensing fee of an instructor shall be issued an instructor's license by the board. A school for estheticians may only train esthetician student instructors for licensure. A school of manicuring may only train manicurist student instructors for licensure.

(16) Student manicurist. Upon certification of enrollment by a school of cosmetology or school of manicuring, the name and birth date of each student manicurist shall be entered by the board in a register kept for that purpose. A student manicurist shall be at least 16 years of age at the time of registration and shall have an education equivalent to the completion of 10 grades in school.

(Act 99-345, p. 478, § 3.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective June 3, 1999.

§ 34-7A-23. Teacher's permit. [AL ST SEC 34-7A-23]

Current through End of 2001 Regular Session

Historical Notes

The board may issue a teacher's permit to any person licensed to practice in any field related to cosmetology, skin care, or manicuring. Before a permit is issued, the licensee shall apply to the board, pay the applicable fee, and provide proof of qualifications. A teacher's permit entitles the holder to teach theory only in the field in which he or she is licensed to practice.

(Act 99-345, p. 478, § 3.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective June 3, 1999.

§ 34-7A-24. Licensure, etc., under former chapter. [AL ST SEC 34-7A-24]

Current through End of 2001 Regular Session

Historical Notes

For the purposes of this chapter, any person or entity properly licensed, certified, or registered by the Alabama Board of Cosmetology on June 3, 1999, shall be similarly licensed, certified, or registered by the Alabama Board of Cosmetology as created by this chapter, without penalty, for the time remaining on the license of the licensee.

(Act 99-345, p. 478, § 3.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective June 3, 1999.

§ 34-7A-25. Continuation of board. [AL ST SEC 34-7A-25]

Current through End of 2001 Regular Session

Historical Notes

The existence and functioning of the Alabama Board of Cosmetology, created and functioning pursuant to Sections 34-7-1 to 34-7-47, inclusive, is continued pursuant to the this newly-created chapter. All rights, duties, property, real or personal, and all other effects existing in the name of the Alabama Board of Cosmetology, or in any other name by which the board has been known, shall continue in the name of the Alabama Board of Cosmetology. Any reference to the Alabama Board of Cosmetology, or any other name by which the board has been known, in any existing law, contract, or other instrument shall constitute a reference to the Alabama Board of Cosmetology as created in this chapter. All actions of the Alabama Board of Cosmetology lawfully done prior to June 3, 1999, by the board or by the executive director, are approved, ratified, and confirmed. The board as constituted on June 3, 1999, shall constitute the board under this chapter.

(Act 99-345, p. 478, § 2.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective June 3, 1999.

Board Members

ALABAMA BOARD OF COSMETOLOGY



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**David B. Starnes
Executive Director**

**Winston L. Bennett
Chairman**

May 15, 2002

Present Members serving on the Alabama Board of Cosmetology:

DISTRICT I Expires 05/18/2003 Master License	Winston L. Bennett <i>Chairman</i> 15 S. Conception Street Mobile, AL 36602	Black Male
DISTRICT II Expires 05/18/2005 Instructor License	Vivian Stewart <i>Vice Chairman</i> 101 Champion Drive Opp, AL 36567	White Female
DISTRICT III Expires 05/18/2004 Master License	Dr. Velma Crayton 801 Clememt Street Tuskegee, AL 36083	Black Female
DISTRICT IV Expires 05/18/2006 Consumer	Nancy J. Fair 2311 Highway 82 West Gordo, AL 35466	White Female
DISTRICT V Expires 04/09/2006 Instructor License	Janie Cheatham 1035 Sherman Street SE Decatur, AL 35601	White Female
DISTRICT VI Expires 03/25/2006 Instructor License	Tim Mitchell 1011 Jim's Place Alabaster, AL 35007	White Male
DISTRICT VII Expires 03/25/2006 Instructor License	Claire B. Mitchell 948 Posey Avenue Bessemer, AL 35022-4546	Black Female

ALABAMA BOARD OF COSMETOLOGY



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**David B. Starnes
Executive Director**

**Winston L. Bennett
Chairman**

June 19, 2002

John Norris
Director, Operational Division
Examiners of Public Accounts
State of Alabama
Post Office Box 302251
Montgomery, AL 36130-2251

Dear Mr. Norris:

I have reviewed the items attached to your correspondence on June 7, 2002. I have enclosed my responses to those items that will hopefully clarify and explain the status of corrections necessary by the Board and myself.

Should you have any additional questions, please do not hesitate to contact me.

Sincerely,

**David B. Starnes
Executive Director**

SIGNIFICANT ITEMS

1. **Addresses are not updated in the board's computer database.**

RESPONSE: All licensees are required by statute to notify the board immediately of any name or address change. It is the licensee's responsibility and the board's office staff does make an effort to contact these individuals regarding a returned license due to incorrect address. If no contact can be made then the returned license is filed until contact is made and the address can be corrected.

2. **Licenses are not being renewed in a timely manner.**

RESPONSE: A delay in renewals does occur at times due to lack of staff and incorrect/insufficient paperwork being submitted by licensees. During the renewals of last year we had lost two staff members who were directly involved with renewals this did cause a delay in the process but it was not the sole reason. The major cause in renewal delays is the incorrect/insufficient paperwork being submitted by licensees. If an application is not correct the entire application including monies is returned to the licensee for correction. This causes a tremendous delay of licenses issued and deposits made.

3. **The board notified applicants in writing that they failed the board's national certification examination, when in fact the applicants had actually passed the exams.**

RESPONSE: The examination department is now properly staffed, however at the time of this mistake it was not. The examination department had one employee at the time of the error and she was a new employee. We now have an additional employee within that department to assist and review all information distributed by that department. The mistake was made, but the same employee also corrected it and this error has not occurred since this particular incident.

4. **There is not adequate separation of staff duties for licensing procedures.**

RESPONSE: Please see item #3. An additional employee has been placed within the examination department and no errors have occurred since the incident.

5. **The board has not resolved any complaints.**

RESPONSE: The board is working diligently on resolving these complaints. There were several factors delaying the complaint process. These inspectors are the key ingredients to resolving these complaints. The board was assigned a new

attorney, Mr. Matthew Beam, from the Attorney General's Office on June 17, 2002, which is also a key ingredient to resolving these complaints. Also, the board had been awaiting an AG's Opinion addressing two important concerns that are the majority issue in these complaints. This long awaited opinion was just received on June 19, 2002. The board now employees seven inspectors and is in the interview process for an additional inspector. And the board's first administrative hearing in many years should be scheduled for August 12, 2002.

All complaints received by the board have been acknowledged.

6. There is no effective regulation by the board.

RESPONSE: Please see item #5. At the time of the audit, the board was just beginning an entire file conversion/purge. All inspection reports have been entered into the board's computer system, now that additional staff has been hired. The inspection reports are always reviewed by a member of the office staff and occasionally by the executive director; board members review inspection reports only dealing with violations/complaints through the investigative process.

On June 17, 2002, the board held a public hearing correcting the board rule 250-X-3-.02 referenced within the Examiners finding. It no longer requires an administrative hearing upon the second inspection receiving below a score of 80. After review, approximately eighty-five percent of these scores have improved either above or just below a score of 80. An administrative hearing will now be requested upon serious violations only.

7. The staff is not maintaining complete and accurate records of licensees.

RESPONSE: As mentioned in item #6, the board has been undergoing an entire licensee file conversion. The board has hired additional staff to complete and maintain the records of licensees. As for records in the basement, these files are have been purged from our current filing system but have not been destroyed or archived. Upon the completion of our file conversion, the purged files will be properly handled. These files dated back as far as 1991 where file purging was not practiced.

All current licensee applications and inspection reports are now properly filed with the help of much needed additional staff. Some new licensee files have not been created due to the new filing system, however these will be completed within the summer.

8. **There are two different sets of administrative rules on file with the Administrative Procedure Division of the Legislative Reference Service.**

RESPONSE: A public hearing was held June 17, 2002, to correct this error. All of the old rules have been properly repealed.

9. **Through our observations and interviews with staff, we determined that the board's office is insufficient. According to the board's executive director, the agency needs approximately five additional employees to perform administrative functions.**

RESPONSE: The board is understaffed. Since April 2002, we have hired two additional office staff members, one field employee and two temporary employees. The board is in the process of hiring four additional employees by the end of August 2002. This additional staff will resolve errors and provide much needed cross training through the entire office.

10. **There are insufficient school/shop inspectors to satisfactorily inspect all licensed facilities on a sufficiently frequent basis.**

RESPONSE: Currently, the board has seven inspectors on staff. We are in the interview process for an additional inspector; also an Inspector supervisor position is in process. The supervisor position will be based in Montgomery and must have at least six months experience as an inspector. The six months of experience as a current inspector has just come into effect since all but one inspector is newly hired.

Facilities need to only be inspected at least annually, not every six months. It is not feasible to inspect every six months as attempted in the past. The board will concentrate only on facilities with violations or complaints more frequently. This will allow the inspectors to do a thorough inspection of each facility.

11. **Without authority, the staff is charging a \$25.00 fee for a change of address/location of salon, booth rental or cosmetic studio within the same county.**

RESPONSE: The board is only charging a \$25.00 dollar Duplicate fee upon the licensee's request. As referenced in item #1, licensees are required to notify the board immediately of any name or address change and the board shall retain that information for renewal and inspection purposes. It is the licensee's choice to request a license reflecting the new name or address which the board charges a \$25.00 Duplicate fee. Also, if a salon, booth renter or cosmetic studio which relocates to a

different county it is required by statute to obtain a new license which a fee of \$150.00 before moving.

STATUS OF PRIOR FINDINGS

- 1. Fees received were not deposited in a timely manner, a condition that creates unnecessary risk of loss or misuse of state funds.**

RESPONSE: The delay of deposits was attributed to a lack of staff within the accounting department. This lack of staff is still an issue and will be resolved with the budget/staffing plan for FY 2003. As of today, all deposits have been deposited and are being deposited within a timely manner. As for the oldest receipt record found, as referenced in item #2, the entire application including monies is returned requesting additional information and the licensee, in some cases, delays the processing of the application. This does make it seem like a much longer deposit delay than it really is.